

Kentucky Department of Education  
FFY 2007 Annual Performance Report  
February 2, 2009



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## Introduction to the FFY 2007 Annual Performance Report

The FFY 2007 Annual Performance Report (APR) marks the third time that the Kentucky Department of Education (KDE) has submitted the APR to the federal Office of Special Education Programs (OSEP)

The KDE division that is responsible for writing the APR is the Division of Exceptional Children Services (DECS). Since the first filing of the State Performance Plan (SPP) in December 2005, the SPP and APR have been a year-round activity for DECS. DECS has formed an APR work group that meets at least once a month beginning in the spring of each year. The work group has involved stakeholders outside of DECS, including Special Education Cooperatives and an Institution of Higher Education (IHE).

This year has seen changes in Kentucky's APR. For much of the year, DECS has focused on reducing the number of activities that support the 20 SPP Indicators, writing new SPP activities, and, in the process, making sure that the new activities will directly impact progress toward the projected targets.

DECS' work of improving the quality of the improvement activities was greatly aided by the Mid-South Regional Resource Center (MSRRC) and OSEP. As part of the assistance DECS received from MSRRC, nine DECS staff and stakeholders attended a two-day training event hosted by MSRRC in November 2008. The training, *State Systems of Improvement*, allowed DECS to meet with national technical assistance providers and complete a self-assessment of its SPP activities. The training was valuable in building the foundation for a state-level system that improves SPP results by making connections between Indicators and improving the quality of Indicator activities.

Since November, DECS has worked with the APR stakeholders and consulted with the State Advisory Panel for Exceptional Children. This has resulted in a complete revision of SPP improvement activities to better reflect a focused, coordinated approach across all indicators.

A list of activities has been developed by the APR work group to address over-arching and cross-indicator needs. These "over-arching" activities are meant to improve SPP Indicator results and to develop a system of general supervision. KDE recognizes that general supervision, improvement of student outcomes and compliance with IDEA are not indicator-specific but are connected across the SPP and are connected across the work of the Kentucky Department of Education.

Improvement activities for each Indicator are individualized which means that the over-arching activities may not be appropriate in every case. However, the list of activities listed below were the starting point for the APR work group when revising the improvement activities.

### Over-Archiving, Cross-Indicator Activities

- Demonstrate what IDEA compliance and improved child outcomes for each SPP indicator "look like" in trainings and technical assistance provided to school districts whose results are below the SPP targets

- Inform school district superintendents and principals of SPP compliance and student outcome requirements, and their corresponding roles and responsibilities to correct noncompliance within one year
- Expand the breadth and depth of technical assistance and training offered to school districts, to improve district compliance and student outcomes
- Utilize a statewide SPP/APR planning calendar that promotes ongoing evaluation to assist school districts in assessing their APR progress

As part of the technical assistance from the MSRRRC *State Systems of Improvement* training, DECS decided it needed a tool to analyze data for each SPP indicator, to explain progress or slippage toward the target for each indicator, and to help with developing meaningful improvement activities. DECS has subsequently developed a "Root Cause Analysis Protocol" that DECS used to analyze data for individual SPP indicators. It is attached to the FFY 2007 APR as Appendix 1.

All revised SPP improvement activities are based on individual analysis of the Indicator data. Using the Protocol has helped DECS determine reasons behind data results and to develop appropriate activities. The SPP/APR Calendar "Investigative Questions," have also been embedded into the Protocol to assist with data analysis for individual indicators.

Another important event that assisted DECS in re-thinking its process of improving IDEA compliance was OSEP's December 2008 Verification Visit. OSEP emphasized the need for improvement activities that directly focused on the root cause analysis of the data. On-going technical assistance from KDE's OSEP contact has been important in the development of this year's APR.

To understand the time periods that the SPP and APR cover, the term FFY stands for Federal Fiscal Year. For example, the FFY 2007 APR covers the time period beginning on July 1, 2007 and ending on June 30, 2008. The original SPP submitted to OSEP on December 4, 2005 was for FFY 2004, for the time period beginning on July 1, 2004 and ending on June 30, 2005. To assist those reading the APR, a glossary of acronyms follows the Introduction.

This year's APR, the SPP and previous APR submissions may be found on the KDE web site at:

<http://www.education.ky.gov/KDE/Instructional+Resources/Exceptional+Children/IDEA+State+Performance+Plan.htm>

Please contact me if you have comments or questions regarding the APR.

R. Larry Taylor, Director  
Division of Exceptional Children Services  
Kentucky Department of Education

February 2, 2009

## **Glossary of Acronyms**

Adequate Yearly Progress	(AYP)
Admissions and Release Committee	(ARC)
Annual Performance Report	(APR)
Area Development Districts	(ADD)
Autism	(AUT)
Comprehensive Test of Basic Skills	(CTBS)
Commonwealth Accountability Testing System	(CATS)
Carolina Curriculum for Preschoolers with Special Needs	(CCPSN)
Corrective Action Plan	(CAP)
Council for Exceptional Children	(CEC)
Council for Children with Behavior Disorders	(KyCCBD)
Data Accountability Center	DAC
Developmental Delay	(DD)
Director of Special Education	(DoSE)
Disability Services Coordinators	(DSCs)
District Early Intervention Council	(DEIC)
Division of Exceptional Children Services	(DECS)
Emotional Behavioral Disability	(EBD)
Family Resource and Youth Service Centers	(FRYSCs)
Federal Fiscal Year	(FFY)

Free Appropriate Public Education	(FAPE)
Functional Assessment on Behavioral and Social Supports	(FABSS)
Functional Mental Disability	(FMD)
Hawaii Early Learning Profile	(HELP)
Health Access Nurturing Development Services	(HANDS)
Helpful Entry Level Skills Checklist	(HELs)
Highly Skilled Educators	(HSE)
Human Development Institute at the University of Kentucky	(HDI-UK)
Individual Education Program	(IEP)
Individuals with Disabilities Education Act	(IDEA)
Institution of Higher Education	(IHE)
Interagency Coordinating Council	(ICC)
Interdisciplinary Early Childhood Education	(IECE)
Kentuckiana Regional Planning and Development Agency	(KRPDA)
Kentucky Accessible Materials Consortium	(KAMC)
Kentucky Accessible Materials Database	(KAMD)
Kentucky Administrative Regulation	(KAR)
Kentucky Assistive Technology Systems	(KATS)
Kentucky Center for Instructional Discipline	(KCID)
Kentucky Continuous Monitoring Process	(KCMP)
Kentucky Core Content Test	(KCCT)

Kentucky Department of Education	(KDE)
Kentucky Early Childhood Data System	(KEDS)
Kentucky Early Childhood Transition Project	(KECTP)
Kentucky In-School Transition Survey	(KISTS)
Kentucky Instructional Discipline Schools	(KIDS Project)
Least Restrictive Environment	(LRE)
Mental Disability	(MD)
Mild Mental Disability	(MMD)
Mid-South Regional Resource Center	(MSRRC)
National Assessment Center	(NAC)
National Center for Culturally Responsive Educational Systems	(NCCREST)
National Center on Post-School Outcomes	(NPSO)
National Instructional Materials Access Center	(NIMAC)
National Secondary Transition Technical Assistance Center	(NSTTAC)
No Child Left Behind	(NCLB)
Office of Legal and Legislative Services	(OLLS)
Office of Special Education Programs	(OSEP)
Office of Special Instructional Services	(OSIS)
Other Health Impairment	(OHI)
Parent Advocacy Coalition for Educational Rights	(PACER)
Parent Resource Center	(PRC)



Physical Therapy	(PT)
Positive Behavior Supports	(PBS)
Professional Development	(PD)
Regional Training Centers	(RTCs)
School-wide Information System	(SWIS)
Socio-Economic Status	(SES)
State Educational Agency	(SEA)
State Improvement Grant	(SIG)
State Improvement Grant, Nurturing All Learners	(SIGNAL)
Specific Learning Disability	(SLD)
Speech and Language	(S/L)
State Advisory Panel for Exceptional Children	(SAPEC)
State Education Agency	(SEA)
State Performance Plan	(SPP)
State Personnel Development Grant	(SPDG).
Student Information System	(SIS)
Transdisciplinary Play Based Assessment	(TPBA)
United Parents in Kentucky	(UPINKY)
Universal Design for Learning	(UDL)
Work Sampling System	(WSS)

## Part B State Annual Performance Report (APR) for FFY 2007

**Overview of the Annual Performance Report Development:** See Introduction.

**Monitoring Priority: FAPE in the LRE**

**Indicator 1:** Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:** KDE utilized the following method to calculate the graduation rate for students with disabilities:

$$\frac{\text{\# graduates receiving regular diplomas}}{\text{\# graduates + GEDs (and certificates) + \# dropouts + \# who maxed in age + \# deceased}}$$

**Data Source:** 2007-2008 Section 618 Data

FFY	Measurable and Rigorous Target
2007	Seventy-one and three-tenths percent (71.3%) of students with disabilities will graduate with a regular diploma

**Actual Target Data for FFY 2007: 67.34%**

Progress was made toward the target, from 64.30% for FFY 2006 to 67.34% for FFY 2007. The target of 71.3% was not met for FFY 2007.

The Measurement requires that the following calculation be used:

3,357 graduates with regular diplomas ÷ 4,985 (total of 3,357 graduates + 425 GEDs and certificates + 1,160 dropouts + 26 who maxed in age + 17 deceased = .6734 × 100 = 67.34%

The conditions that youth with IEPs must meet in order to graduate with a regular diploma are the same as the conditions for all youth. See SPP, pages 2-3.

KDE does not report on the comparison to all youth in the State, as allowed by the SPP/APR Indicator Support Grid (10/15/08)

The validity and reliability of the Section 618 data are addressed under Indicator 20.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress:** A root cause analysis was conducted as well as a review of the SPP/APR Calendar Investigative Questions for Indicator 1. District level data were compared against the state's target for graduation. The results appear in Table 1.

Table 1

# districts that met or exceeded the state target	88
# districts that did not meet state target	84
# districts that did not meet state target, but made significant improvement	28
# districts that did not meet state target and made no improvement	5
# districts that did not meet state target and reported slippage	51
# districts not reporting graduation rate (K-8 Schools)	7

In analyzing Table 1 data, KDE did not find trends across regions of the state, urban versus rural, or small versus large districts.

**Discussion of Activities Completed:** Completed activities for Indicators 1, 2 13 and 14 included:

- Provide state level training on the secondary transition requirements of the IDEA
- Serve on the committee in developing, implementing and aligning the Individual Learning Plan
- Partner with other agencies to assist students entering postsecondary education institutions
- Develop and disseminate student self-advocacy training module to districts
- Work with the Community-based Work Transition Program (CBWTP) to increase program effectiveness and district participation
- Develop parent training modules
- Align Kentucky's transition-related activities with national standards for program effectiveness

**Action steps** were completed for the following SPP activities:

- Establish a pilot project on student-led IEPs in each Special Education Co-op region
- Disseminate research-based strategies from the National Dropout Prevention Center
- Develop a marketing strategy for districts on dropout prevention with follow-up on a regional basis
- Provide regional level training on IDEA transition requirements for directors of special education
- Provide technical assistance regarding IDEA transition requirements to districts
- Compare data from the Indicator 8 parent survey with data from Indicator 14 postschool outcome survey
- Continue SPDIG initiatives
- Develop *Transition One-Stop* website for all transition points, birth through adult
- Evaluate improvement activities by annual review of data from the KCMP and Section 618
- Schedule annual data reviews to determine causes for higher drop-out rates for students with disabilities when compared to the general population
- Develop data collection tools for program effectiveness and improvement

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007:**

As set forth in the Introduction, the APR work group has revised the SPP activities for two reasons. One is to build a focused, coordinated system of general supervision. The second is to focus on activities that are measurable and based on a root cause analysis of the data, so that the activities make a difference in improving compliance and student outcomes. Many of the original SPP activities did not meet this standard.

The original SPP activities for Indicators 1, 2, 13 and 14 will be implemented through other means, but are being replaced on the SPP by activities that will directly impact progress toward the target. In revising improvement activities, stakeholders used several sources of information including a) root cause analysis of the data; b) the SPP/APR Investigative Questions; and c) research-based strategies, such as the Taxonomy for Transition Programming. The activities for Indicators 1, 2, 13, and 14 are aligned to ensure IDEA compliance and to increase performance.

The revised activity described below focuses on improvement in student outcomes for Indicators 1 and 2.

**Activity for Indicators 1 and 2**

<b>Indicators 1 and 2 Improvement Activity</b>	<p>DECS will collaborate with the KDE Dropout Prevention Branch to coordinate efforts toward dropout prevention in districts not meeting the state targets for Indicators 1 and 2</p> <p><b>Action Steps:</b>  <b>DECS and the Dropout Prevention Branch will:</b></p> <ol style="list-style-type: none"> <li>1. Conduct data analysis to determine root causes and needed improvement strategies for districts not meeting the state target for Indicators 1 and 2</li> <li>2. Develop an action plan for providing assistance to districts not meeting the state target for Indicators 1 and 2</li> <li>3. Require districts not meeting Indicator 1 and 2 targets to implement the action plan</li> </ol>
<b>Evaluation</b>	DECS will develop a system for monitoring district implementation to verify Action Steps
<b>Timeline</b>	FFY 2008-2010
<b>Resources</b>	DECS; KDE Dropout Prevention Branch
<b>Status</b>	DECS and the Dropout Prevention Branch staff have collaborated in the past on the development of the web-based Kentucky Dropout Prevention Resource Guide. ( <a href="http://www.ihdi.uky.edu/dropout-prevention/">http://www.ihdi.uky.edu/dropout-prevention/</a> )

## Part B State Annual Performance Report (APR) for FFY 2007

**Overview of the Annual Performance Report Development:** See Introduction.

**Monitoring Priority: FAPE in the LRE**

**Indicator 2:** Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:** KDE utilized the following method (event rate) to calculate the dropout rate for students with disabilities.

$$\frac{\text{special education dropouts from grades 9-12}}{\text{total number of special education students enrolled in grades 9-12}}$$

**Data Source:** 2007-2008 Section 618 Data

FFY	Measurable and Rigorous Target
2007	The dropout rate for students with disabilities will decrease by four tenths of one percent (0.4%)

**Actual Target Data for FFY 2007: 0.76%**

KDE met and exceeded its target of reducing the dropout rate by 0.4%. The dropout rate was reduced by 0.76%, from last year's rate of 5.00% to this year's rate of 4.24%.

The Measurement requires that the following calculation be used:

1,160 special education dropouts from grades 9-12 ÷ 27,330 special education students in grades 9-12 = .0424 × 100 = 4.24% dropout rate for students with disabilities.

The definition of dropout for youth with disabilities is the same as for all youth in Kentucky's Commonwealth Accountability Testing System. See the SPP at page 17.

KDE did not report on the comparison to all youth in the State. It used the method allowed by the SPP/APR Indicator Support Grid (10/15/08).

The validity and reliability of the Section 618 data are addressed under Indicator 20.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of progress:** A root cause analysis was conducted, as was a review of the SPP/APR Calendar Investigative Questions. As part of the process, districts' dropout data were analyzed and compared against the state's target for dropout rates for Indicator 2. Table 1 shows the comparisons.

**Table 1**

# districts that met or exceeded the state target	116
# districts that did not meet state target	55
# districts that did not meet state target, but made significant improvement	16
# districts that did not meet state target and made no improvement	0
# districts that did not meet state target and reported slippage	39
# districts not reporting graduation rate (K-8 Schools)	7

In analyzing the dropout data, KDE found no trends across regions of the state, urban versus rural, or small versus large districts.

**Discussion of Improvement Activities Completed:** See Indicator 1 for discussion of improvement activities completed for Indicators 1 and 2. The SPP activities for Indicators 1, 2, 13, and 14 have been aligned due to their common elements.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007:**

See Indicator 1, which sets out activity revisions for Indicators 1 and 2.

## Part B State Annual Performance Report (APR) for FFY 2007

Overview of the Annual Performance Report Development: See Introduction.

**Monitoring Priority: FAPE in the LRE**

**Indicator 3:** Participation and performance of children with disabilities on statewide assessments:

A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for disability subgroup.

B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.

C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:**

A. Percent =  $\left[ \frac{\text{\# of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs)}}{\text{total \# of districts that have a disability subgroup that meets the State's minimum "n" size in the State}} \right] \times 100$ .

B. Participation rate =

- a. # of children with IEPs in assessed grades;
- b. # of children with IEPs in regular assessment with no accommodations (percent =  $\left[ \frac{(b)}{(a)} \right] \times 100$ );
- c. # of children with IEPs in regular assessment with accommodations (percent =  $\left[ \frac{(c)}{(a)} \right] \times 100$ );
- d. # of children with IEPs in alternate assessment against grade level achievement standards (percent =  $\left[ \frac{(d)}{(a)} \right] \times 100$ ); and
- e. # of children with IEPs in alternate assessment against alternate achievement standards (percent =  $\left[ \frac{(e)}{(a)} \right] \times 100$ ).

Account for any children included in a but not included in b, c, d, or e above.

Overall Percent =  $\left[ \frac{(b + c + d + e)}{(a)} \right]$ .

C. Proficiency rate =

- a. # of children with IEPs in assessed grades;
- b. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with no accommodations (percent =  $\left[ \frac{(b)}{(a)} \right] \times 100$ );
- c. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with accommodations (percent =  $\left[ \frac{(c)}{(a)} \right] \times 100$ );
- d. # of children with IEPs in assessed grades who are proficient or above as measured by the alternate assessment against grade level achievement standards (percent =  $\left[ \frac{(d)}{(a)} \right] \times 100$ ); and
- e. # of children with IEPs in assessed grades who are proficient or above as measured against alternate achievement standards (percent =  $\left[ \frac{(e)}{(a)} \right] \times 100$ ).

Account for any children included in a but not included in b, c, d, or e above.  
 Overall Percent = [(b + c + d + e) divided by (a)].

### Revisions, with Justification, to Proposed Baseline

As explained in last year's APR, the KDE assessment system has undergone extensive revisions. KDE's Office for Assessment and Accountability (OAA) advised DECS not to compare data from the old assessment system with data from the revised assessment system.

KDE has established new baselines for Indicators 3A, 3B and 3C, based on data from the revised assessment system. The baseline data come from FFY 2006 (2006-2007 School Year) assessment data. Trend data have been reported by comparing the FFY 2006 data with the FFY 2007 assessment data.

### 3A Revised Baseline Data for FFY 2006

FFY	Measurable and Rigorous Target
2006	Kentucky has 174 school districts, of which 117 meet minimum "n" size requirements. Of these districts meeting minimum "n" size, 36 met AYP overall.  <b>Actual Data for FFY 2006:</b> 36 out of 117 (31%) met AYP overall

### 3B. Revised Participation Baseline Data for FFY 2006

FFY 2006 Participation Baseline Data			
	Measurement	Number	Percent of Total
a.	# of children with IEPs in assessed grades	54, 165	
b.	# of children with IEPs in regular assessment with no accommodations	16, 496	30%
c.	# of children with IEPs in regular assessment with accommodations	33, 435	62%
d.	# of children with IEPs in alternate assessment against grade level achievement standards	NA	NA
e.	# of children with IEPs in alternate assessment against alternate achievement standards	4, 230	8%
Exclusions		4	.0073%
Overall Percent	[(b + c + d + e) divided by (a)]		99.99%

**Note:** OSEP's APR Status Table stated that Kentucky had not provided FFY 2006 data which meant OSEP could not determine progress or slippage for Indicator 3C.

KDE did include FFY 2006 data for Indicator 3C, as well as the FFY 2007 actual target data and a discussion of progress and slippage. See pages 17, 21, and 22 below.



**3C. Revised Performance Baseline Data for FFY 2006**

FFY 2006 Performance Baseline Data Proficient or Above					
	Measurement	Number		Percent of Total	
		Reading	Math	Reading	Math
a.	# of children with IEPs in assessed grades	49, 848	48, 564		
b.	# of children with IEPs in regular assessment who are proficient or above with no accommodations	7, 640	5, 883	15.326%	12.113%
c.	# of children with IEPs in regular assessment who are proficient or above with accommodations	11, 995	7, 744	24.063%	15.945%
d.	# of children with IEPs who are proficient or above as measured by alternate assessment against grade level achievement standards	NA	NA	NA	NA
e.	# of children with IEPs who are proficient or above as measured by alternate assessment against alternate achievement standards	119	218	.238%	.448%
Students not proficient or above	Account for any children in a but not included in b, c, d, or e above	30, 094	34, 719	60.371%	71.491%
Overall Percent	[(b + c + d + e) divided by (a)]			39.62%	28.50%

**Revisions, with Justification, to Proposed Targets:**

As explained above, changes to the baseline data for Indicator 3 were necessary due to extensive revisions to the KDE assessment system. KDE has set new targets for 3A (AYP) and 3C (Performance of student with disabilities) based on projected growth rates.

In making the 3A and 3C target changes, KDE used technical assistance from the National Center on Educational Outcomes (NCEO). NCEO analyzed Indicator 3 targets from states for the FFY 2006 state assessments and concluded that states setting realistic goals for Indicator 3 were the ones meeting their yearly targets.

KDE used the NCEO analysis and established realistic targets by looking at the growth rate between FFY 2006 and FFY 2007 and then applying that same rate of growth to 2008, 2009 and 2010. KDE believes the rate of growth from FFY 2006 to FFY 2007 is a logical starting point for developing revised targets and for predicting anticipated growth.

KDE consulted with the State Advisory Panel for Exceptional Children (SAPEC) on the proposed changes. The SAPEC gave input to KDE and approved target revisions for both Indicators 3A and 3C.

The targets for participation rate for Indicator 3B have not been revised, since OSEP requires 100% participation in statewide assessments.

## Revised Targets for Indicator 3A.

FFY	Measurable and Rigorous Target
2007	Forty-seven percent (47%) of districts meeting minimum “n” size requirements will meet state AYP objectives for progress for disability subgroup (children with IEPs)
2008	Fifty percent (50%) of districts meeting minimum “n” size requirements will meet state AYP objectives for progress for disability subgroup (children with IEPs)
2009	Fifty-two percent (52%) of districts meeting minimum “n” size requirements will meet state AYP objectives for progress for disability subgroup (children with IEPs)
2010	Fifty-four percent (54%) of districts meeting minimum “n” size requirements will meet state AYP objectives for progress for disability subgroup (children with IEPs)

## Indicator 3B.Target (Not Revised)

FFY	Measurable and Rigorous Target
2007	One Hundred Percent (100%) of children with IEPs will participate in the state's large-scale assessment
2008	One Hundred Percent (100%) of children with IEPs will participate in the state's large-scale assessment
2009	One Hundred Percent (100%) of children with IEPs will participate in the state's large-scale assessment
2010	One Hundred Percent (100%) of children with IEPs will participate in the state's large-scale assessment

## Revised Targets for Indicator 3C

FFY	Measurable and Rigorous Target
2007	<p><b>Reading:</b> 39.62% of children with IEPs in grades assessed will score proficient or above</p> <p><b>Math:</b> 33.91% of children with IEPs in grades assessed will score proficient or above</p>

<b>2008</b>	<p><b>Reading:</b> 39.82% of children with IEPs in grades assessed will score proficient or above</p> <p><b>Math:</b> 38% of children with IEPs in grades assessed will score proficient or above</p>
<b>2009</b>	<p><b>Reading:</b> 40.02% of children with IEPs in grades assessed will score proficient or above</p> <p><b>Math:</b> 43% of children with IEPs in grades assessed will score proficient or above</p>
<b>2010</b>	<p><b>Reading:</b> 40.22% of children with IEPs in grades assessed will score proficient or above</p> <p><b>Math:</b> 48% of children with IEPs in grades assessed will score proficient or above</p>

After using the initial year's assessment data in FFY 2006 to determine the baseline and set new targets for 3A and 3C, the following charts show KDE's progress toward its targets for the FFY 2007 APR.

#### Indicator 3A Actual Target Data

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2007</b>	47% of districts meeting minimum "n" size requirements will meet state AYP objectives for progress for disability subgroup (children with IEPs)

#### Actual Target Data for FFY 2007: 47%

KDE met its target for the percentage of districts reaching AYP for students with disabilities. Kentucky has 174 school districts, of which 105 meet minimum "n" size requirements. 49 districts met AYP for students with disabilities.

The 3A Measurement requires that the following calculation be used:

49 districts that met the KDE's AYP objectives for progress for the disability subgroup ÷  
105 districts that met the "n" size = .47 times 100 = 47%

The data comes from Kentucky's NCLB Report.

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage

**Explanation of progress:** Kentucky met the target of 47% for Indicator 3A. When FFY 2007 data are compared with FFY 2006 (baseline) data:

- The percent of Kentucky school districts meeting AYP overall increased by 16 percent.
- The number of Kentucky school districts meeting AYP overall increased by 13.

#### Regional Comparison Analysis:

KDE compared the NCLB data regionally during FFY 2007. Seven of 11 Special Education Cooperatives have 45% or more of their districts meeting AYP overall, compared to FFY 2006 when only two of 11 Co-ops had 45% or more of their districts meeting AYP overall.

Four Co-ops have 60% or more of their districts meeting AYP overall in FFY 2007, compared to FFY 2006 when one Co-op had 60% or more of its districts meeting AYP overall. The four Co-ops with 60% or more of their districts meeting AYP during FFY 2007 are located in the eastern and south central parts of the state.

Two Co-ops stayed the same or had slippage in the percentage of districts meeting AYP in FFY 2007.

Since the data are recently obtained, DECS will continue its data analysis to establish the reasons for the regional assessments results

**Discussion of Improvement Activities Completed:** All SPP activities for Indicator 3 have been completed and discussed in prior APRs.

#### Indicator 3B. Actual Target Data

FFY	Measurable and Rigorous Target
2007	One Hundred Percent (100%) of children with IEPs will participate in the state's large-scale assessment.

#### Actual Target Data for FFY 2007: 100%.

KDE met its participation rate target.

The Measurement requires that the following calculation for 3B be used:

$$\begin{aligned}
 &9,738 \text{ of children with IEPs in regular assessment with no accommodations} + \\
 &34,448 \text{ children with IEPs in regular assessment with accommodations} + \\
 &4,259 \text{ children with IEPs in alternate assessment against alternate achievement standards} = 48,445 \\
 &\div 48,445 \text{ children with IEPs in assessed grades} = 1.0 \times 100 = 100\%
 \end{aligned}$$

Table 1 contains data for the 3B Measurement. Table 1 data is from the Kentucky Core Content Test (KCCT).

**Table 1**

FFY 2007 Participation Baseline Data			
	Measurement	Number	Percent
a.	# of children with IEPs in assessed grades	48, 445	
b.	# of children with IEPs in regular assessment with no accommodations	9, 738	20%
c.	# of children with IEPs in regular assessment with accommodations	34, 448	71%
d.	# of children with IEPs in alternate assessment against grade level achievement standards	NA	NA
e.	# of children with IEPs in alternate assessment against alternate achievement standards	4, 259	9%

Exclusions		NA	NA
Overall Percent	[(b + c + d + e) divided by (a)]		100%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage**

**Explanation of progress:** The participation rate increased from 99.99% in FFY 2006 to 100%. Traditionally, participation of students with disabilities in statewide assessments has been an area of strength since KDE has required that all students be included since the early 1990s. Stringent procedures at the district and state levels are in place to ensure that all students participate in statewide assessments.

**Discussion of Improvement Activities Completed:** All SPP activities for Indicator 3 have been completed and discussed in prior APRs

**Indicator 3C. Actual Target Data**

FFY	Measurable and Rigorous Target
2007	<p><b>Reading:</b> 39.62% of children with IEPs in grades assessed will score proficient or above.</p> <p><b>Math:</b> 33.91% of children with IEPs in grades assessed will score proficient or above.</p>

**Actual Target Data for FFY 2007**

Reading: 39.624%

Math: 33.914%

The Measurement required by Indicator 3C is contained in Table 2.

Table 2 data is from KDE's Kentucky Core Content Test (KCCT).

**Table 2**

FFY 2007 Performance Baseline Data Proficient or Above					
	Measurement	Number		Percent	
		Reading	Math	Reading	Math
a.	# of children with IEPs in assessed grades	44, 069	43, 156		
b.	# of children with IEPs in regular assessment who are proficient or above with no accommodations	4, 124	3, 649	9.358%	8.455%
c.	# of children with IEPs in regular assessment who are proficient or above with accommodations	12, 946	10, 422	29.376%	24.149%
d.	# of children with IEPs who are proficient or above as measured by alternate assessment against grade level achievement	NA	NA	NA	NA

	standards				
e.	# of children with IEPs who are proficient or above as measured by alternate assessment against alternate achievement standards	392	565	.889%	1.309%
Students not proficient or above	Account for any children in a but not included in b, c, d, or e above	26, 607	28, 520	60.375%	66.085%
Overall Percent	[(b + c + d + e) divided by (a)]			39.62%	33.91%

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage

**Explanation of progress:** KDE met its targets of 33.91% (math) and 39.62% (reading) for Indicator 3C.

When FFY 2007 data are compared with FFY 2006 (baseline) data, students proficient at reading stayed the same at 39% for both FFY 2007 and FFY 2006. Math increased 5.4%, from 28.50% for FFY 2006 to 33.91% for FFY 2007. The SPP/APR investigative questions were used to analyze reasons for student performance in math and reading; however, additional time is needed to draw conclusions from the data.

**Discussion of Improvement Activities Completed:** All SPP activities for Indicator 3 have been completed and discussed in prior APRs.

### Revisions, with Justification, to Improvement Activities/Timelines/Resources:

As set forth in the Introduction, the DECS APR work group revised the SPP activities for two reasons. One is to build a focused, coordinated system of general supervision. The second reason is to focus effort on activities that are measurable and based on root cause analysis of the data, so that the activities make a difference in improving compliance and student outcomes. Many of the original SPP activities did not meet this standard.

The APR work group used its Root Cause Analysis Protocol and the SPP/APR investigative questions to guide the revision of Indicator 3 activities. Since most districts that fail to meet AYP do so because of disability subgroup scores, DECS believes that focusing its efforts within the established KDE school improvement system will cause the most change for improving statewide assessment scores for students with disabilities.

### Activity for Indicators 3

<b>Indicator 3 Improvement Activity</b>	<p>DECS will begin a collaborative effort with KDE staff ("assistance teams") responsible for providing interventions and resources to schools and districts that have not met AYP goals. Protocol will be developed to identify and address systemic issues resulting in low academic performance</p> <p><b>Action Steps:</b> <b>DECS will:</b></p> <ol style="list-style-type: none"> <li>1. Identify KDE stakeholders to develop action plan</li> <li>2. Write action plan</li> <li>3. Expand knowledge base (<i>mutual training component</i>) of KDE staff to build team members' capacity in providing interventions and resources to schools and districts in need of assistance</li> <li>4. Produce a consistent protocol to be used by KDE assistance teams providing interventions and resources to schools and districts that have not met AYP goals.</li> </ol>
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<b>Evaluation</b>	DECS and assistance team leader will review protocol to see if implemented correctly in providing technical assistance to districts and schools
<b>Timeline</b>	FFY 2008-2010
<b>Resources</b>	DECS, KDE Office of Teaching and Learning; Division of School Improvement; Division of Federal Programs and Instructional Equity

### Technical Assistance in Response to Needs Assistance Status

KDE received a Letter of Determination from OSEP on June 6, 2008 that Kentucky was determined to need assistance for the second year in a row. The determination was based on noncompliance for the following SPP indicators:

- Indicator 3 - participation and performance on statewide assessments;
- Indicator 4A - suspension and expulsion;
- Indicator 9 - disproportionate representation-child with disability;
- Indicator 10- disproportionate representation-specific disability categories;
- Indicator 13 - secondary transition;
- Indicator 15 - timely correction of noncompliance.

For each of the above indicators, KDE is required to report: 1) the technical assistance sources from which the State received assistance and 2) the actions the State took as a result of that technical assistance.

KDE has been under a compliance agreement with the federal Department of Education since 2005 to develop an alternate assessment that is compliant with NCLB and IDEA. KDE has received technical assistance from the National Assessment Center (NAC) at the University of Kentucky during the past three years and has worked closely with the NAC to redesign the alternate assessment system.

KDE has completed all steps under the compliance agreement and has been verbally advised by OSEP that it has finished all requirements. KDE believes it has remedied its noncompliance under this indicator and that its alternate assessment is compliant with IDEA and NCLB.

## Part B State Annual Performance Report (APR) for FFY 2007

Overview of the Annual Performance Report Development: See Introduction.

Monitoring Priority: FAPE in the LRE

**Indicator 4:** Rates of suspension and expulsion

- A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.

(20 U.S.C. 1416 (a)(3)(A);1412(a)(22))

**Measurement:**

Percent = [(# of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year) divided by the (# of districts in the State)] times 100.

State's definition of "significant discrepancy":

KDE's definition of significant discrepancy for Indicator 4A states that a significant discrepancy occurs when a district meets both of the following criteria:

- A. The district suspends students with disabilities for greater than 10 days during a school year at a rate that is >.60% of its total population of students with disabilities. (A significant discrepancy is defined as greater than double the state goal rate of .30% of a district's total number of students with disabilities.)
- B. The district suspends more than one student with a disability for greater than 10 days.

Data collected for reporting suspensions and expulsions of children with disabilities are from Section 618. KDE has elected to compare suspension rates among districts instead of comparing suspension rates of students with disabilities to rates for nondisabled students.

**Justification for Revision in State's definition of significant discrepancy:**

In its original SPP for FFY 2004, KDE used a Measurement to determine significant discrepancy that compared each district's suspension/expulsion rates of students with disabilities to its rates for nondisabled students. Last year, KDE changed its 4A Measurement based on OSEP's review of its APR. KDE changed its definition of significant discrepancy by comparing each district's rate for suspension/expulsion of students with disabilities to the state's average rate each year. See the SPP at page 55 for details regarding the change to the 4A Measurement.

This year's APR is the first time that KDE attempted to use the new Measurement to determine significant discrepancy. Until KDE looked at district-level data to see if it reached its 4A target, it did not realize that it could never make progress toward the target, due to the way the new Measurement was written. The target was, in essence, "moving" every year. Because the state's yearly average rate of suspensions/ expulsions of students with disabilities was the basis against which districts were measured, this meant there would always be districts that exceeded the SPP target, even if they were decreasing their numbers of suspensions/expulsions. KDE has thus revised its definition of significant discrepancy to provide an accurate and reliable measure of comparison.

Knowing that a fixed point needed to be used for the Measurement, KDE choose the FFY 2004 baseline data as the starting point for the rate of students with disabilities suspended or expelled. KDE then doubled the baseline rate to determine significant discrepancy. Since the baseline rate was 0.29% (rounded up to 0.30%), significant discrepancy exists when a district suspends or expels more than .60% of its total number of students with disabilities.



The 4A Measurement is as follows:

A district is found to have significant discrepancy under Indicator 4A if the district:

- A. Suspends/expels students with disabilities for greater than 10 days during a school year at a rate that is >.60% of its total population of students with disabilities, and,
- B. Suspend more than one student with a disability for greater than 10 days. (Unless this qualifier is used, it makes the data unreliable.)

The new definition of significant discrepancy did not change the SPP targets for Indicator 4A. Only the state's method of determining whether a district has a significant discrepancy has changed.

FFY	Measurable and Rigorous Target
2007	Kentucky will identify 14 or less districts with a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days.  14 districts with significant discrepancies ÷ 176 districts x 100 = 7.95%

**Actual Target Data for FFY 2007: 13 districts with significant discrepancies = 7.38%**

Kentucky has met its target for FFY 2007.

The Measurement requires that the following calculation be used:

$$13 \text{ districts with significant discrepancy} \div 176 \text{ districts} = .738 \times 100 = 7.38\%$$

Table 1 displays trend data since FFY 2004 using the new Measurement.

**Table 1**  
**Indicator 4A – Projected and Actual Target Data**

FFY	<u>SPP Target Data:</u> Number of districts projected as having significant discrepancy	<u>Actual Target Data:</u> Number of districts with significant discrepancy	<u>SPP Target Percentage:</u> Percent of districts projected as having significant discrepancy	<u>Actual Target Percentage:</u> Percent of districts with significant discrepancy
FFY 2004 (Baseline year)	N/A	21/ 178 districts	N/A	11.79% of KY Districts
FFY 2005	18 districts	20/ 178 districts	10.11%	11.23%
FFY 2006	16 districts	16/ 177 districts	9.04%	9.04%
FFY 2007	14 districts	13/ 176 districts	7.95%	7.38%

Looking at Table 1, KDE did not meet its target for FFY 2005 using the new Measurement but has since met the target. This year, KDE's FFY 2007 actual target data of 7.38% (13 of 176 districts) exceeded its projected target of 7.95% (14 of 176 districts). Thirteen districts were identified with a significant discrepancy in FFY 2007, which is a decrease of 3 districts since last year.

Since the FFY 2004 baseline year, the number of districts with a significant discrepancy has decreased by eight districts, from 21 to 13.

The reliability and validity of Section 618 data used in the calculations are addressed under Indicator 20.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress:** KDE believes that its progress is due to the following reasons:

- District training and targeted technical assistance from Co-op behavior consultants
- The annual Statewide Behavior Institute
- Mentoring of teachers, consultants and leaders by the Kentucky Council for Behavior Disorders
- Highly Skilled Educators who receive training and integrate it into school improvement with schools they are assigned for tier assistance under NCLB
- The Kentucky Center for Instructional Discipline (KCID) and its training of its affiliated schools
- Statewide early childhood intervention in behavior training programs (e.g., the KISSED initiative)
- KCMP self-assessment, which has increased district awareness of discipline data

**Root cause analysis of data from districts with significant discrepancies:** Examination of the 13 districts whose data indicate significant discrepancies in the rates of suspensions and expulsions reveals no regional patterns, with the 13 districts spread across eight of 11 Special Education Co-ops. No consistent causes were discovered during the data analysis.

Of the 13 districts:

- Two districts have trends of increasing suspensions
- Two large districts show a steady trend of significant improvement
- Two districts have not historically experienced problems until last year
- Four districts are very small and need consultation assistance with 2 or 3 students
- Three districts need to address individual issues based on further data analysis

Input from Co-op staff and Directors of Special Education indicate that there are a number of variables that influence suspension /expulsion rates but that they are not consistent across the state or Co-op regions. These variables are: (1) concentrated numbers of students with severe behavioral needs placed in district-located juvenile facilities by courts; (2) new principals with no training in discipline or alternatives to suspension /expulsions for students with disabilities; (3) lack of special education assistance or collaboration in vocational classes where students with disabilities are routinely placed; (4) negative culture and climate issues that are often inherent to secondary/ high school settings; and (5) lack of intensive wrap-around services for students with severe mental health needs.

**Discussion of Improvement Activities Completed for Target 4A:**

The following activities were completed in FFY 2007 and will not continue as SPP activities:

- Establish a Statewide Student Information System (data collection)
- Expand the number of KCID (PBIS) schools
- Review of district Special Education policies and procedures
- Statewide Behavior Institute (professional development training institute)

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007**

As set forth in the Introduction, the APR work group has revised the SPP activities for two reasons. One is to build a focused, coordinated system of general supervision starting with the SPP. The second is to focus on activities that are measurable and based on a root cause analysis of the data, so that the activities make a difference in improving compliance and student outcomes. Many of the original SPP activities did not meet this standard.

The new activity focuses on improving outcomes for districts that do not meet the state target for 4A.

**Activity for Indicator 4A**

<b>Indicator 4A Improvement Activity</b>	<p>DECS and Special Education Cooperatives will provide training and consultation/technical assistance for data analysis and action planning to districts whose data indicate a significant discrepancy in the rate of suspensions/expulsions of students with disabilities</p> <p><b>Action Steps:</b></p> <ol style="list-style-type: none"> <li>1. DECs will develop a protocol for root cause analysis for use by districts</li> <li>2. DECS will require districts with significant discrepancies whose trend data has not improved over time to:               <ol style="list-style-type: none"> <li>a. Develop an analysis of suspension /expulsion data at the individual student level, using the DECS root cause analysis protocol. The district will submit its analysis and an action plan to DECS for approval</li> <li>b. Secure training and technical assistance based on the district's root cause analysis for the implementation of positive behavior interventions and supports at targeted schools in the district</li> <li>c. Submit prescribed documentation to the Special Education Co-op and DECS on an ongoing basis</li> </ol> </li> </ol>
<b>Evaluation</b>	DECS will develop a system for monitoring district implementation to verify Action Steps
<b>Timeline</b>	FFY 2008-2010
<b>Resources</b>	DECS; Special Education Co-ops

**Required responses to FFY 2006 APR:****1. Revision of FFY 2004 Baseline Data Using the Revised Measurement**

OSEP's Response Table to KDE's FFY 2006 APR required KDE to "either provide the revised FFY 2004 baseline data using the revised measurement or maintain the FFY 2004 baseline data using the old measurement." KDE has elected to use the revised Measurement, which contains a new definition of significant discrepancy. It applied this Measurement to previous years as shown in Table 1 above. The new Measurement did not change the SPP targets.

**2. District Policies, Procedures, and Practices Review for FFY 2005 and 2006**

The Response Table required KDE to "describe the review and, if appropriate, revisions, of policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the LEAs identified with significant discrepancies" (in suspension/expulsion rates) "in FFY 2005 and 2006."

As detailed below under *Technical Assistance in Response to Needs Assistance Status*, all Kentucky school districts revised their policies and procedures in FFY 2007 to align with IDEA 2004 and Kentucky's new special education regulations. KDE did not retroactively review the obsolete FFY 2005 and 2006 district policies and procedures that did not comply with IDEA 2004 since these have been replaced by the new FFY 2007 versions. See #3 below.

### 3. District Policies, Procedures, and Practices Review for FFY 2007

To ensure compliance with OSEP's Response Table, KDE reviewed the FFY 2007 district policies and procedures related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards related to discipline and suspension. In developing special education policies and procedures, Kentucky school districts chose one of three models: the Special Education Cooperative (Co-Op) model, the Kentucky School Board Association (KSBA) model, or a Western Kentucky model. One school district developed its own policies and procedures.

KDE reviewed the three model policies and procedures and found them to be in full compliance with IDEA's related requirements for Indicator 4A. KDE also reviewed the one district's individualized policies and procedures and found they were not in total compliance with IDEA requirements under Indicator 4A. KDE directed the district to amend its policies and procedures to include the requirements missing from its policies and procedures. The district has made the required changes and is in compliance.

All Kentucky school districts have adopted policies and procedures that are in compliance with IDEA's requirements on suspension and expulsion as required in the Response Table.

In the area of district practices, KDE reviews practices through the KCMP self-assessment. Districts self-report Indicator 4A data to DECS and describe practices they are using that are designed to prevent or reduce suspensions/expulsions of students with disabilities. In addition, KDE conducts KCMP verification visits on-site, investigates discipline practices through desk reviews or on-site visits as part of its complaint investigation process, and monitors informal parent complaints involving behavior and discipline issues. **The Special Education Cooperative behavior consultants then used information obtained through KDE's review of district practices to provide individualized technical assistance to districts that did not meet state targets for Indicator 4A.**

### Technical Assistance in Response to Needs Assistance Status

As stated in Indicator 3, KDE received a Letter of Determination from OSEP on June 6, 2008 that Kentucky was determined to need assistance for the second year in a row, in part due to Indicator 4A noncompliance. KDE is required to report on the technical assistance sources from which it received assistance and the actions taken as a result.

KDE's noncompliance for Indicator 4A was based on not reporting on its review of district policies, procedures, and practices regarding the suspension/expulsion of students with disabilities. As explained in last year's APR, due to delays experienced at the state level with implementation of new state regulations, KDE did not review district policies, procedures and practices that were in effect in FFY 2005 and 2006, since they were developed prior to the 2004 IDEA Reauthorization.

KDE stated in its FFY 2006 APR that it would require districts to develop new policies and procedures based on current law, and that it would review them as required by law. KDE has done this. Although KDE has accessed considerable technical assistance in FFY 2007, none was required to comply with Indicator 4A.

## Part B State Annual Performance Report (APR) for FFY 2007

Overview of the Annual Performance Report Development: See Introduction

### Monitoring Priority: FAPE in the LRE

**Indicator 5:** Percent of children with IEPs aged 6 through 21:

- A. Removed from regular class less than 21% of the day;<sup>1</sup>
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

(20 U.S.C. 1416(a)(3)(A))

#### Measurement:

- A. Percent = [(# of children with IEPs removed from regular class less than 21% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs removed from regular class greater than 60% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- C. Percent = [(# of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

FFY	5A Measurable and Rigorous Target
2007	Increase the number of students spending 80% or more of their instructional day in the general education program to 63.5%

#### Actual Target Data for Indicator 5A for FFY 2007: 68.69%

During FFY 2007, 68.69% of Kentucky students with IEPs were in general education classrooms 80% or more of the instructional day. KDE met its target of 63.5% and exceeded it by more than 5%.

The Measurement requires that the following calculation be used:

$60,855 \text{ students with disabilities in General Ed} > 80\% \div 88,596 \text{ total students with disabilities} = .6869 \times 100 = 68.69\%$

KDE submitted Table 3 of its FFY 2007 Section 618 data to OSEP on February 1, 2008. Statewide Summary Data from Section 618 that is relevant to Indicator 5A is found below in Table 1. Table 1 shows Kentucky's progress in this area over the past three years.

<sup>1</sup> At the time of the release of this package, revised forms for collection of 618 State reported data had not yet been approved. Indicators will be revised as needed to align with language in the 2005-2006 State reported data collections.

**Table 1**  
**Section 618 Placement Data for FFY 2005, 2006 and 2007**

<b>Indicator 5A: Selected Section 618 Placement Data</b>			
<b>FFY</b>	<b>Child Count of Students with Disabilities, Ages 6-21</b>	<b>Number of Students with Disabilities in General Education 80% or more</b>	<b>Percent of Students with Disabilities in General Education Classrooms 80% or more</b>
<b>2005</b>	87,481	56,271	64.3%
<b>2006</b>	88,347	59,039	66.8%
<b>2007</b>	88,596	60,855	68.69%

The reliability and validity of Section 618 data are addressed under Indicator 20.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress:** Kentucky has made significant progress and has surpassed the target set for the final year of the SPP.

DECS has consulted with stakeholders, districts of special education, and Special Education Co-ops in conducting root cause analysis around regional 5A data. The reasons for 5A progress include:

- There is a significant correlation between districts meeting the state target for Indicator 5A and effective inclusion practices, statewide collaboration training and technical assistance initiatives
- Districts that have received professional development and technical assistance through initiatives on collaborative teaching and differentiated instruction tend to make more consistent progress over time and sustain gains. Districts without training often did not sustain temporary gains

Multiple factors contribute to districts failing to reach the 5A target. These include lack of personnel in small/rural districts and block scheduling.

**Discussion of completed activities:** The following SPP activities have been completed:

- Collaboration Toolkit and Training modules
- Professional development and technical assistance from DECS and the Co-ops to:
  - 105 schools in School-wide Collaboration Training Projects
  - 89 Teacher Teams (General and Special Education)
  - 306 individual teachers
- Training of Kentucky's Highly Skilled Educators (HSEs) and Special Education Mentors

Additional SPP activities have been completed and discussed in prior APRs.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / and Resources for FFY 200**

As set forth in the Introduction section of this APR, the APR work group has revised Kentucky's SPP improvement activities to reflect a focused, coordinated approach across indicators that are measurable and based upon root cause analysis of the data. The new activity is focused upon improving outcomes in districts that did not meet the state's 5A target.

#### Activity for Indicator 5A

<b>Improvement Activity for 5A</b>	<p>DECS and Special Education Cooperatives' collaboration consultants will provide consultation and technical assistance to districts that have consistently failed to reach the state target for Indicator 5A</p> <p><b>Action Steps:</b>  <b>DECS will:</b></p> <ol style="list-style-type: none"> <li>1. Require targeted data analysis and consultation with the Co-op for districts that have failed to reach LRE targets over time</li> <li>2. Provide professional development to teachers of targeted schools on differentiated instruction and effective collaboration, consultation and co-teaching practices</li> <li>3. Provide on-going follow-up and technical assistance to targeted schools and districts</li> </ol>
<b>Evaluation</b>	<p>DECS will develop a system for monitoring district implementation, to verify Action Steps</p> <p>Co-ops will be evaluated on districts in their region making progress toward 5A targets</p>
<b>Timeline</b>	FFY 2008-2010
<b>Resources</b>	DECS; Mid- South Regional Resource Center (MSRRC); Special Education Cooperatives; National Center to Inform Policy and Practice in Special Education Professional Development

The following SPP activity was omitted, since it was not directly related to increasing outcomes for Indicator 5A.

- DECS and Co-ops will identify model schools/teams of special and general educators

#### Indicator 5B

Percent of children with IEPs aged 6 through 21 removed from regular class greater than 60% of the day;

FFY	5B Measurable and Rigorous Target
2007	Decrease the percentage of students spending less than 40% of their instructional day in the general education program to 11.2 %

#### Actual Target Data for FFY 2007: 9.93%

As shown by the Actual Target Data, KDE not only met its target of 11.2% but exceeded it by 1.27%.

The Measurement requires the following calculation be used:

8,801 students with disabilities in general education <40% of the day ÷ 88,598 total number of students with disabilities ages 6-21 = .093 x 100 = 9.3%

Section 618 data in Table 2 show progress Kentucky has made in the past three years in decreasing the percentage of students spending less than 40% of the instructional day in the general education setting.

TABLE 2

Section 618 Placement Data			
FFY	Total Child Count for Students with Disabilities Ages 6-21	Number of Students with Disabilities in General Education Classrooms Less than 40%	Percent of Students with Disabilities in General Education Classrooms Less than 40%
2005	87,481	9,983	11.7%
2006	88,347	9,056	10.25%
2007	88,598	8,801	9.93%

Data from Table 2 indicate a significant reduction in the number of students with disabilities educated in general education less than 40% of the day. Although the number of Kentucky students with disabilities ages 6 through 21 has increased over the past three years, the number of students in this educational setting has decreased.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress:** As part of its data analysis for Indicator 5B, DECS reviewed regional data. Overall, data did not show significant differences in the restrictiveness of educational settings based on the region of the state.

In reviewing the data, DECS noted that some Co-op regions experienced substantial progress in their 5B data. DECS contacted Co-op directors that had at least half of their districts making substantial progress for Indicator 5B over the past three years. Co-op directors gave the following reasons for 5B progress: increased professional development and technical assistance in collaboration, co-teaching, differentiation, and Universal Design for Learning (UDL). Data also significantly improved in school districts where there were changes in administration.

Using the SPP/APR Calendar Investigative Questions in its analysis, DECS believes that the following factors also explain progress for Indicator 5B:

- Kentucky requires standards- based IEPs
- Strategies related to access to the general education curriculum are disseminated to districts through professional development and technical assistance provided by the Special Education Co-ops
- Increased efforts in the use of digital curricula and opportunities for students with disabilities to test online have provided supports for students with disabilities to be successful in general education settings

**Discussion of Improvement Activities Completed:** Completed activities have been discussed in previous APRs



**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007**

As stated in the Introduction, the APR work group has revised its remaining SPP activities for two reasons. One is to build a focused, coordinated system of general supervision. The second is to focus on activities that are measurable and based on a root cause analysis of the data, so that the activities make a difference in improving compliance and student outcomes. Many of the original SPP activities did not meet this standard.

The following SPP activities for 5B are omitted:

- Partnership with the Center for Innovation and Instruction for Diverse Learners to review the number and types of materials school districts request
- DECS will increase the number of schools using the online assessment

Since these activities indirectly affect progress made on Indicator 5B, they are being omitted from the SPP. The activities will continue under other KDE initiatives.

The new improvement activity for Indicators 5B and 5C follows:

**Activities for Indicator 5B and 5C**

<b>Indicator 5B and 5C Improvement Activity</b>	<p>DECS will facilitate communication and disseminate information on successful strategies to ensure that students are receiving appropriate services in the Least Restrictive Environment (LRE)</p> <p>Action Steps:</p> <ol style="list-style-type: none"> <li>1. DECS and Special Education Co-ops will determine the supports, trainings, and activities that have resulted in successfully decreasing the percentage of students spending less than 40% of their day in general education settings</li> <li>2. DECS and Co-ops will disseminate information developed in Action Step #1 to districts that are not meeting the state targets for Indicators 5B and 5C</li> <li>3. IDEA requirements on LRE will be provided to districts not meeting 5B and 5C targets</li> <li>4. Co-ops will provide on-site follow-up TA</li> </ol>
<b>Evaluation</b>	<p>District record reviews on LRE requirements</p> <p>Co-ops will be evaluated on districts in their region making progress toward 5B and 5C targets</p>
<b>Timeline</b>	FFY 2008-2010
<b>Resources</b>	DECS; Special Education Cooperatives

**Indicator 5C**

Percent of children with IEPs aged 6 through 21 served in public or private separate schools, residential placements, or homebound or hospital placements.

FFY	5C Measurable and Rigorous Target
2007	Decrease the percentage of students receiving their special education services in public and private residential day schools to 2.15%

**Actual Target Data for FFY 2007: 2.09%**

Kentucky met and exceeded its projected target for FFY 2007. The FFY 2007 target was 2.15% compared to the actual target data of 2.09%

The Measurement requires that the following calculation be used:

1848 students with disabilities in facilities, home/hospital or private schools ÷ 88,598 students with disabilities = .02086 x 100 = 2.09%

Table 3 contains Section 618 data for each category under Indicator 5C. Actual numbers of students are shown in this table, as well as the percentages of students with disabilities in each setting.

**Table 3**

Indicator 5C 618 Placement Data					
FFY	Total Child Count Age 6-21	A Day Facilities percent/number of students)	B Residential Facility (percent/number of students)	C Home/Hospital (percent/number of students)	TOTAL (A+B+C) (percent/number of students)
2005	87,481	.82% (719)	.58% (506)	.81% (709)	2.21% (1934)
2006	88,347	.98% (866)	.39% (348)	.87% (768)	2.24% (1982)
2007	88,598	.91% (804)	.39% (342)	.79% (702)	2.09% (1848)

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007:**

**Explanation of progress:** As evidenced by Section 618 Placement Data contained in Table 3, KDE is making progress in decreasing the percentage of students receiving their special education services in separate facilities.

Analysis of Section 618 data indicates that 84% of Kentucky districts met the state target. There were no trends based on specific regions or by disability category.

KDE attributes progress in this area to technical assistance and professional development provided by Special Education Co-ops to districts. This has provided additional support to ensure students are receiving services in appropriate settings.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007**

See discussion under Indicator 5B which includes a new 5C activity.

The following SPP activity for 5C is omitted as it is not directly related to improving outcome for the Indicator:

- DECS will convene a meeting with mental health providers to discuss improving services to students with disabilities

**Part B State Annual Performance Report (APR) for FFY 2007**

Overview of the Annual Performance Report Development: See Introduction

**Monitoring Priority: FAPE in the LRE**

**Indicator 6:** Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

(20 U.S.C. 1416(a)(3)(A))

**Measurement:** Percent = [(# of preschool children with IEPs who received special education services in settings with typically developing peers) divided by the (total # of preschool children with IEPs)] times 100.

**Submission of Indicator 6 is not required in FFY 2007.**

**Part B State Performance Plan (SPP) for 2005-2010**

**Overview of the State Performance Plan Development:** See Introduction.

<b>Monitoring Priority: FAPE in the LRE</b>
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**Indicator 7:** Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

APR submission of Indicator 7 is not required in FFY 2007.  
The SPP submission for Indicator 7 is in a separate document.

## Part B State Annual Performance Report (APR) for FFY 2007

Overview of the Annual Performance Report Development: See Introduction.

**Monitoring Priority: FAPE in the LRE**

**Indicator 8:** Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities:

**Measurement:** Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

FFY	Measurable and Rigorous Target
2007	Twenty-nine percent (29%) of parents with a child receiving special education services report that schools facilitated parent involvement.

**Actual Target Data for 2007: 23%**

23% of Kentucky parents who participated in the Indicator 8 Parent Survey report that they perceived their school as facilitating their involvement. KDE did not meet its target of 29% for FFY 2007. (Note that the March 2009 Status Table from OSEP mistakenly stated that the FFY 2007 target was 72.5%.)

The Measurement requires that the following calculation be used:

267 parents surveyed who reported schools facilitated parent involvement ÷ 1173 parents responding to the survey = .23 multiplied by 100= 23%.

The Parent Survey is attached to the FFY 2007 APR as Appendix 2.

The statewide response rate was 11.8% for FFY 2007. The percentage exceeds the minimum required for an adequate confidence level to acquire valid and reliable data based on survey sample guidelines. Therefore, these data are valid and reliable.

Kentucky's Indicator 8 Sampling Plan is described on pages 93 and 94 of the SPP. DECS believes the sampling plan is representative of Kentucky's student population.

Table 1 contains data on the distribution on race/ethnicity in the sample.

**Table 1**

Distribution of Race/Ethnicity in the Sample			
Race/Ethnicity	Number	Percentage Of Sample	Kentucky's Population Percentage
White (W)	925	79%	86.03%
Black (B) or African – American (AA)	156	13%	11.61%

Hispanic (H) or Latino (L)	21	2%	1.75%
Asian (A) or Pacific Islander (PI)	19	1%	0.46%
American Indian (AI) or Alaskan Native (AN)	7	<1%	.15%
Missing information on race/ethnicity	50	4%	-

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2007:**

**Explanation of progress or slippage:** DECS conducted a root cause analysis using the SPP/APR Investigative Questions. When individual survey items were analyzed and measured against the target for Indicator 8, the following three items received the lowest percentage of agreement from parents. These have been identified as “Needs Improvement” by DECS.

- 35% of responding parents indicate agreement with Item 2, “I was given information about options my child will have after high school”
- 36% of responding parents indicate agreement with Item 7, “I was given information about organizations that offer support for parents of students with disabilities”
- 41% of responding parents indicate agreement with Item 24, “The school connects parents to organizations that serve parents of children with disabilities”

DECS also analyzed the current response rate. Although these data remain valid and reliable, DECS found the total number of responses to be at 1,173, with 170 responses being gathered from the online survey. The paper-based response rate is close to 10%, which is the minimum rate required for an adequate confidence level.

Based on these data, DECS has written new activities for improving outcomes for Indicator 8.

**Discussion of Improvement Activities Completed:** The following activities were completed within the last year:

- DECS will look for correlations between Indicator 8 and other SPP indicators
- DECS will provide networking opportunities for districts and parents through training and technical assistance

Other completed activities have been discussed in previous APRs.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2007**

As set forth in the Introduction, the APR work group has revised the SPP improvement activities to reflect a focused, coordinated approach across indicators that are measurable and are based upon root cause analysis of the data to improve outcomes. DECS’ analysis of the data caused it to revise activities for Indicator 8. In changing activities, DECS has focused its efforts in two main areas:

- Increasing performance on the parent survey, particularly the three lowest rated items
- Improving the survey response rate, to ensure continued valid and reliable data

Based on the root cause analysis, DECS has written two new activities for Indicator 8.

## Activities for Indicator 8

<b>Indicator 8 Improvement Activity</b>	<p>KDE will generate increased parent responses to the Indicator 8 survey</p> <p><b>Action Steps</b></p> <ol style="list-style-type: none"> <li>1. KDE and parent groups will develop a joint cover letter explaining purpose and importance of the survey</li> <li>2. DECS will notify parent groups and districts of the survey sampling schedule, to alert parents in the sampled districts and request their participation</li> <li>3. KDE will publicize the availability of the online survey and ensure direct parent access by posting a survey description and links on the KDE Home Page</li> <li>4. DECS will communicate the purpose and availability of the on-line survey through notification to districts, Special Education Co-ops and partnering agencies</li> <li>5. A DECS consultant will oversee the online survey design, monitor the survey, and respond to parent questions</li> </ol>
<b>Evaluation</b>	Ongoing evaluation tracking survey response rate
<b>Timeline</b>	FFY 2008-2010
<b>Resources</b>	DECS; KY-SPIN; PRCs
<b>Status</b>	The link to this survey is <a href="http://oapd.kde.state.ky.us/exc08/exc.htm">http://oapd.kde.state.ky.us/exc08/exc.htm</a>

<b>Indicator 8 Improvement Activity</b>	<p>Indicator 8 survey items will be added to the KCMP Self-Assessment</p> <p><b>Action Steps</b></p> <ol style="list-style-type: none"> <li>1. The KCMP work group will add Indicator 8 survey items to the current KCMP monitoring document</li> <li>2. DECS will provide districts with technical assistance on the survey, focusing on the three items that “need improvement”</li> <li>3. Districts will report to DECS on the three lowest rated items and develop improvement plans as part of the KCMP</li> </ol>
<b>Evaluation</b>	DECS will conduct desk audits of KCMP Indicator 8 improvement plans to ensure that appropriate district strategies are developed
<b>Timeline</b>	FFY 2008-2010
<b>Resources</b>	DECS; KCMP work group



## Part B State Annual Performance Report (APR) for FFY 2007

**Overview of the Annual Performance Report Development:** See Introduction.

**Monitoring Priority:** Disproportionality

**Indicator 9:** Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(A))

**Measurement:** Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include state's definition of "disproportionate representation".

Describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g. monitoring data, review of policies, practices and procedures under 618(d), etc.

FFY	Measurable and Rigorous Target
FFY 2006	The percentage of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be zero percent (0%)
FFY 2007	The percentage of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be zero percent (0%)

**Actual Target Data for FFY 2007: 0%**

The Measurement requires that the following calculation be used:

0 districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification ÷ 176 districts in the State = 0 × 100 = 0%

Both Kentucky School for the Blind and Kentucky School for the Deaf were included in the district denominator for the Measurement. However, neither school had the requisite 'n' size to meet KDE's definition of disproportionate representation. Moreover, neither school has a population of nondisabled students by which to establish the risk ratio required for Indicator 9.

The definition of disproportionate representation and the process of determining if disproportionate representation is the result of inappropriate identification are contained in the SPP at pages 108 through 113.

KDE used its Section 618 data and applied the risk ratio method for determining whether districts have disproportionate representation. Based on the risk ratio calculation, two Kentucky districts were identified

as having disproportionate representation of specific racial/ethnic groups receiving special education and related services. One district was identified as having over-representation of Black students and one district had under-representation of Hispanic students. KDE then determined whether the disproportionate representation was due to inappropriate identification by reviewing district policies, procedures and practices.

The reliability and validity of Section 618 data are addressed under Indicator 20.

#### **Process for Determining Inappropriate Identification for Indicators 9 and 10:**

##### Review of Policies and Procedures

Once districts with disproportionate representation were identified using the risk ratio, DECS determined if the disproportionate representation was due to inappropriate policies and procedures. By summer 2008, all Kentucky districts adopted new policies and procedures as the result of IDEA 2004 and the subsequent promulgation of new Kentucky special education regulations in December 2007. In developing new policies and procedures, most Kentucky school districts chose to use one of three models: the Special Education Cooperative (Co-Op) model, the Kentucky School Board Association (KSBA) model, or a Western Kentucky model. One school district chose to develop individualized policies and procedures.

KDE reviewed the three model policies and procedures and the one district's individualized policies and procedures and found that all four were fully compliance with IDEA's related requirements for Indicators 9 and 10. All Kentucky school districts have adopted local IDEA policies and procedures that are in compliance with IDEA's provisions on disproportionate representation and contain all related requirements specified by OSEP.

##### Review of Practices

To examine district practices, DECS required districts with disproportionate representation to complete and submit the NCCRESt abbreviated survey during the summer 2008. This was done and DECS reviewed the surveys in the fall. As a result of the review of policies and procedures coupled with the review of practices through the NCCRESt survey, no districts were cited for violation of Indicator 9 requirements due to inappropriate identification.

Tables 1 and 2 contain data on KDE's review of districts under Indicator 9 requirements.

**Table 1**  
Districts with Disproportional Representation (Over- Representation) Due to  
Inappropriate Identification (FFY 2007)

<b>FFY 2007</b>	<b>Number of Districts Meeting "N" Size That Had Disproportionate Representation</b>	<b>Number of Districts With Disproportionate Representation Due to Inappropriate Identification</b>
Black	1	0
Hispanic	0	0
Asian	0	0
American Indian	0	0

**Table 2**

Districts with Disproportional Representation (Under- Representation) Due to Inappropriate Identification (FFY 2007)

FFY 2007	Number of Districts Meeting “N” Size that Had Disproportionate Representation	Number of Districts With Disproportionate Representation Due to Inappropriate Identification
Black	0	0
Hispanic	1	0
Asian	0	0
American Indian	0	0

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of progress:** Since districts adopted new policies and procedures in 2008 that complied with IDEA 2004 and Kentucky regulations, DECS was able to review the policies and procedures to see if they were compliant with IDEA's related requirements for Indicator 9. DECS' adoption of a new instrument to collect data on district practices allowed DECS adequate time to determine whether district practices were compliant with Indicator 9. Both actions taken by DECS enabled KDE to come into compliance with Indicator 9.

**Discussion of Improvement Activities Completed:** During FFY 2007, the following activities were completed or were in progress:

- Contract with an outside consultant with expertise in special education disproportionality
- Provide on-going guidance on the disproportionality protocol to districts
- Study and refine the state's method of identifying districts with significant disproportionality
- Review data from SPP Indicators to determine if correlations exist

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007:**

As stated in the Introduction, the APR work group has revised its remaining SPP activities for two reasons. One is to build a focused, coordinated system of general supervision. The second is to focus on activities that are measurable and based on a root cause analysis of the data, so that the activities make a difference in improving compliance and student outcomes. Many of the original SPP activities did not meet this standard.

Previous activities for Indicators 9 and 10 focused on developing and implementing a system to put data collection requirements into practice. The revised activities were developed to assist districts with remaining in compliance with Indicators 9 and 10.

**Activities for Indicators 9 and 10**

<b>Indicators 9 and 10 Improvement Activity</b>	<p>DECS will develop and implement training for the evaluation and eligibility determination process. The training will be required for specified district personnel in all districts cited for noncompliance for Indicators 9 and 10</p> <p><b>Action Steps:</b></p> <ol style="list-style-type: none"> <li>1. DECS will assemble partners and develop training modules and technical assistance materials</li> <li>2. DECS will publicize and distribute training materials to Co-ops and other</li> </ol>
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	partners 3. DECS will provide mandatory training for districts that are cited for Indicator 9 and 10 noncompliance
<b>Evaluation</b>	DECS will develop a system for monitoring district implementation of mandatory training
<b>Timeline</b>	FFY 2008-2010
<b>Resources</b>	DECS; Special Education Cooperatives

**Required Response to FFY 2006 APR**

OSEP's Response Table to KDE's FFY 2006 APR required the following information:

Correction of Noncompliance from FFY 2005:

Two districts were cited for noncompliance with Indicator 9 in July 2007 for FFY 2005. Both districts were within the one year timeline for correcting noncompliance when the FFY 2006 APR was submitted on February 1, 2008. Subsequently, both districts corrected the noncompliance within one year, as shown in Tables 3 and 4 below.

Actual Target Data for FFY 2006: 1.15%

Kentucky was in substantial compliance for FFY 2006.

Six districts were identified as having disproportionate representation of specific racial/ethnic groups receiving special education and related services. Two of the six districts were identified as having disproportionate representation that was the result of inappropriate identification.

The Measurement requires that the following calculation be used:

Two districts that were out of compliance with Indicator 9 ÷ 174 total districts = .0115 multiplied by 100 = 1.15%.

Correction of Noncompliance for FFY 2006

Based upon the FFY 2007 data and analysis, both districts are in compliance. See Table 3.

**Table 3**

Districts with Disproportional Representation (Over-Representation) That is the Result of Inappropriate Identification (FFY 2006)

FFY 2006	Number of Districts With Disproportionate Representation Meeting the "N" Size	Number of Districts with Disproportionate Representation Due to Inappropriate Identification	Corrected in One Year
Black	6	2	Yes
Hispanic	0	0	NA
Asian	0	0	NA
American Indian	0	0	NA

Table 4

Districts with Disproportional Representation (Under-Representation) that is the Result of Inappropriate Identification (FFY 2006)

FFY 2006	Number of Districts With Disproportionate Representation Meeting the "N" Size	Number of Districts with Disproportionate Representation Due to Inappropriate Identification	Corrected in One Year
Black	0	0	NA
Hispanic	1	0	NA
Asian	0	0	NA
American Indian	0	0	NA

#### Technical Assistance in Response to Needs Assistance Status

As stated in Indicator 3, KDE received a Letter of Determination from OSEP on June 6, 2008 that Kentucky was determined to need assistance for the second year in a row, due in part to noncompliance with Indicators 9 and 10. KDE is required to report on the technical assistance sources from which it received assistance and the actions taken as a result.

For Indicators 9 and 10, the reason for the noncompliance was that district data relied on by KDE to determine inappropriate identification was submitted to DECS on January 30, two days before the APR was due. In last year's APR, KDE set out a plan to correct the data collection problem, by changing the data collection instrument and the timelines for collecting the data.

The National Center on Culturally Responsive Educational Systems (NCCRESt) developed a self-assessment tool for review of local district practices on disproportionate representation. When changing the data collection instrument and timelines as mentioned above, KDE made use of technical assistance from NCCRESt by using the NCCRESt abbreviated survey. By using this technical assistance, KDE was able to timely collect data on inappropriate identification practices and determine whether districts were in compliance with Indicators 9 and 10 for FFY 2007.

KDE has received technical assistance for these two indicators during the past year from the Mid-South Regional Resource Center and the Northeast Regional Resource Center. KDE has also accessed publications from NCCRESt and reviewed state web sites recommended by the Regional Resource Centers. KDE has used this information to refine the methods by which it will collect data on inappropriate identification.

## Part B State Annual Performance Report (APR) for FFY 2007

**Overview of the Annual Performance Report Development:** See Introduction.

**Monitoring Priority:** Disproportionality

**Indicator 10:** Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

**Measurement:** Percent = [# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the state)] times 100.

FFY	Measurable and Rigorous Target
FFY 2006	The percentage of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be zero percent (0%).
FFY 2007	The percentage of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be zero percent (0%).

**Actual Target Data for FFY 2007: 0%**

The Measurement requires that the following calculation be used:

0 districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification ÷ 176 districts in the State = 0 × 100 = 0%

Both Kentucky School for the Blind and Kentucky School for the Deaf were included in the district denominator for the Measurement. However, neither school had the requisite 'n' size to meet KDE's definition of disproportionate representation. Additionally, since students at the schools have either a vision or hearing impairment, they are not covered by the disability categories that are the subject of Indicator 10. See Table 3 below for a list of Indicator 10 disability categories.

The definition of disproportionate representation and the process of determining if disproportionate representation is the result of inappropriate identification are contained in the SPP at pages 118 through 123.

DECS used its Section 618 data and applied the risk ratio to determine disproportionate representation. Twenty-eight districts were identified as having disproportionate representation for students of racial ethnic groups in specific disability categories. No districts were found to have disproportionate representation in specific disability categories due to inappropriate identification.

The reliability and validity of Section 618 data are addressed under Indicator 20.

Tables 1, 2 and 3 below contain data used to determine compliance.

**Table 1**

Districts with Disproportional Representation in Specific Disability Categories (Over-Representation)  
That Is the Result of Inappropriate Identification (FFY 2007)

FFY 2007	Number of Districts With Disproportionate Representation Meeting the “N” Size	Number of Districts with Disproportionate Representation Due to Inappropriate Identification
Black	27	0
Hispanic	2	0
Asian	0	0
American Indian	0	0

**Table 2**

Districts with Disproportional Representation in Specific Disability Categories (Under-Representation)  
That Is the Result of Inappropriate Identification (FFY 2007)

FFY 2007	Number of Districts With Disproportionate Representation Meeting the “N” Size	Number of Districts with Disproportionate Representation Due to Inappropriate Identification
Black	0	0
Hispanic	0	0
Asian	0	0
American Indian	0	0

**Table 3**

Districts with Disproportionate Representation Due to Inappropriate Identification Disaggregated by  
Ethnicity and Disability Category (FFY 2007)

	Black	Hispanic	Asian	American Indian
<b>Mental Disabilities (MMD + FMD)</b>	21	0	0	0
<b>Emotional Behavior Disability (EBD)</b>	12	0	0	0
<b>Other Health Impaired (OHI)</b>	0	0	0	0
<b>Speech Language (SL)</b>	0	0	0	0
<b>Specific Learning Disability (SLD)</b>	0	1	0	0
<b>Autism (AUT)</b>	0	0	0	0
<b>Developmental Delay (DD)</b>	4	1	0	0

**Process for Determining Inappropriate Identification:**

See Indicator 9 for the discussion of review of policies, procedures and practices for Indicators 9 and 10.

As a result of the DECS review of policies and procedures coupled with the NCCREST survey, no districts were cited for noncompliance with Indicator 10.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

See Indicator 9 for explanation of progress and completion of improvement activities for Indicator 10..

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007:**

See Indicator 9 for activity revisions for Indicator 10.

**Required Response to FFY 2006 APR**

OSEP's Response Table to KDE's FFY 2006 APR required the following information:

**Correction of Noncompliance from FFY 2005:**

Eighteen districts were cited for noncompliance with Indicator 10 in July 2007 for FFY 2005. These districts were within the one year time frame for correcting noncompliance when the FFY 2006 APR was submitted in February 2008. Subsequently, 18 districts corrected the noncompliance within one year, as discussed in *Process for Determining Inappropriate Identification* and as evidenced by district data in Table 4 and 5 below.

**Actual Target Data for FFY 2006:** 11.49%

Thirty-two districts were identified as having disproportionate representation of specific racial/ethnic groups in specific disability categories. Twenty of the 32 districts were identified as having disproportionate representation that was the result of inappropriate identification.

The Measurement requires that the following calculation be used:

$$20 \text{ districts} \div 174 \text{ total districts} = .1149 \times 100 = 11.49\%$$

None of the 20 districts mentioned above were out of compliance due to under-representation.

**Table 4**

Districts with Disproportional Representation (Over-Representation) in One or More Category Area (FFY 2006)

FFY 2006	Number of Districts With Disproportionate Representation Meeting the "N" Size	Number of Districts with Disproportionate Representation Due to Inappropriate Identification	Corrected in One Year
Black	31	19	YES
Hispanic	1	1	YES
Asian	0	0	NA
American Indian	0	0	NA



Table 5

Districts with Disproportionate Representation Due to Inappropriate Identification Disaggregated by Ethnicity and Disability Category (FFY 2006)

	Black	Hispanic	Asian	American Indian
<b>Mental Disabilities (MMD + FMD)</b>	11	0	0	0
<b>Emotional Behavior Disability (EBD)</b>	13	0	0	0
<b>Other Health Impaired (OHI)</b>	1	0	0	0
<b>Speech Language (SL)</b>	1	0	0	0
<b>Specific Learning Disability (SLD)</b>	0	1	0	0
<b>Autism (AUT)</b>	0	0	0	0
<b>Developmental Delay (DD)</b>	3	0	0	0

#### Technical Assistance in Response to Needs Assistance Status

See Indicator 9 for discussion of technical assistance received for Indicator 10.

## Part B State Annual Performance Report (APR) for FFY 2007

Overview of the Annual Performance Report Development: See Introduction

Monitoring Priority: Effective General Supervision Part B

**Indicator 11:** Percent of children with parental consent to evaluate, who were evaluated within 60 days (or state established timeline)

(20 U.S.C. 1416 (a) (3) (B))

**Measurement:**

- a. # of children for whom parental consent to evaluate was received.
- b. # determined not eligible whose evaluations were completed within 60 days (or State established timeline).
- c. # determined eligible whose evaluations were completed within 60 days (or State established timeline).

Account for children in a but not included in b or c. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b + c) divided by (a) times 100.

FFY	Measurable and Rigorous Target
2007	One hundred percent (100%) of children with parental consent to evaluate will be evaluated and eligibility determined within 60 school days

**Actual Target Data for FFY 2007: 94.87%**

KDE improved by .37% from last year but did not meet its target of 100%.

The Measurement requires that the following calculation be used:

1,428 children determined not eligible whose evaluations were completed in 60 school days +  
 3,782 children determined eligible whose evaluations were completed within 60 school days ÷  
 5,492 children for whom parental consent to evaluate was received = .9487 × 100 = 94.87%

Under Kentucky law, districts have a 60 school day timeline for initial evaluation.

The range of days in the state beyond the 60 school day timeline was:

- Least number of days = 1
- Greatest number of days = 120

Reasons for the delays include:

- Availability of Evaluation Personnel
- District Personnel Training Issues
- Excessive Student Absenteeism
- Transfer Student (where parent did not agree to an extension of timelines)

- Parental Factors (excluding incidents when parent repeatedly failed to produce the child for evaluation)
- Difficulty in obtaining external evaluation components
- District errors made in initially calculating timelines

DECS collects data for Indicator 11 through the Kentucky Continuous Monitoring Process (KCMP) as set forth in the SPP. Validity and reliability of the data are discussed in the SPP on page 130.

FFY 2007 Compliance:

Review of the FFY 2007 data files submitted by districts on November 15, 2008 indicates that 153 districts of Kentucky's 176 districts are in compliance with Indicator 11.

Of the 23 districts that are out of compliance, all but one reported a compliance rate of 80% or higher with most districts at a rate of 90% or higher. The one remaining district reported compliance of approximately 34% for FFY 2007. This district placed itself under a corrective action plan prior to its district level KCMP review. In December 2008, the district reported to DECS that it is at 100% compliance for Indicator 11 for the 2008-09 school year.

The root cause analysis indicates that lack of sufficient evaluation personnel and district personnel issues are primary reasons for noncompliance.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007**

**Explanation of progress or slippage:** During FFY 2006, some districts incorrectly counted themselves as noncompliant for Indicator 11 when parents repeatedly failed to produce their children for evaluations which resulted in district failure to meet the timeline. Technical assistance in FFY 2007 on changes in IDEA in this area helped more districts come into compliance.

**Discussion of Improvement Activities Completed:** All SPP activities for Indicator 11 have been completed and discussed in prior APRs.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007**

All SPP activities for Indicator 11 have been completed. The new activities are based on root cause analysis to ensure that noncompliant districts come into compliance.

**Activities for Indicator 11**

<b>Indicator 11 Improvement Activity</b>	DECS will require each district that is out of compliance with Indicator 11 for two years to use IDEA funds to obtain the services of additional certified evaluators where lack of sufficient evaluation staff has caused the noncompliance
<b>Evaluation</b>	DECS will require district to submit documentation of additional evaluators
<b>Timeline</b>	FFY 2008-2010
<b>Resources</b>	DECS
<b>Indicator 11 Improvement Activity</b>	DECS will require districts that are out of compliance with Indicator 11 to use a tracking system to meet evaluation timelines

	<b>Action Steps</b> <b>DECS will:</b> <ol style="list-style-type: none"> <li>1. Develop a tracking system and require districts that are out of compliance to use it for evaluation timelines</li> <li>2. Specify district personnel to maintain the system</li> <li>3. Require submission of quarterly reports by districts on progress for correcting noncompliance</li> </ol>
<b>Evaluation</b>	DECS review of quarterly reports  Co-ops will be evaluated based on their region's compliance with Indicator 11
<b>Timeline</b>	FFY 2008-2010
<b>Resources</b>	DECS

**Note: Additional Improvement Activities for districts that do not correct compliance within one year appear under Indicator 15.**

#### **Required Response to FFY 2006 APR**

OSEP's Response Table to KDE's FFY 2006 APR required the following information:

##### Correction of FFY 2005 Noncompliance

FFY 2005 was the first time the KCMP was used to identify Indicator 11 compliance. Due to the unavailability of data, DECS' data review was not completed until after the deadline for submission of the FFY 2005 APR.

DECS has determined that 41 of the original 55 districts cited in FFY 2005 corrected their Indicator 11 noncompliance within one calendar year. Nine of the remaining 14 districts documented correction of noncompliance for FFY 2007. KDE has revised its Indicators 11 and 15 Improvement Activities to address the issue of uncorrected noncompliance for the five districts remaining out of compliance.

##### Correction of FFY 2006 Noncompliance

**KCMP Monitoring** Fifty-five districts were cited for noncompliance with Indicator 11 for FFY 2006 on May 9, 2008. For 50 of the 55 districts, FFY 2006 was the first time they had been cited for noncompliance with Indicator 11.

All districts submitted compliance data for FFY 2007 in November 2008. DECS determined through data reviews that 42 of the 50 districts cited for noncompliance for the first time have corrected their noncompliance within one calendar year. The remaining eight districts have one year (or until May 9, 2009) to correct their noncompliance.

Five of 55 districts cited in FFY 2006 were also out of compliance in FFY 2005. Four of the five districts cite lack of available evaluation personnel as the primary reason for noncompliance. Indicator 11's revised Improvement Activities address the root cause of the noncompliance by requiring the districts to hire or contract with evaluation personnel. Activities for Indicators 11 and 15 also set out how DECS will deal with the issue of uncorrected noncompliance with any of the eight districts that remain out of compliance after the May 9, 2009 deadline.

**KDE will report on FFY 2006 correction of noncompliance in the APR due on February 1, 2010**

## Part B State Annual Performance Report (APR) for 2007

Overview of the Annual Performance Report Development: See Introduction

Monitoring Priority: Effective General Supervision Part B / Effective Transition

**Indicator 12:** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

- a. # of children who have been served in Part C and referred to Part B for eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for who parent refusal to provide consent caused delays in evaluation or initial services.

Account for children included in a but not included in b, c or d. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

Percent = [(c) divided by (a – b – d)] times 100.

FFY	Measurable and Rigorous Target
2007	100%

**Actual Target Data for FFY 2007: 95.69%**

Kentucky is in substantial compliance with Indicator 12.

**Data Used to Calculate Actual Target Data**

FFY	(a) Number of Referrals	(b) Not eligible	(c) IEP by 3 <sup>rd</sup> birthday	(d) Parent refused	Target %
2007	2513	220	1954	251	95.69%

(Data source: Preschool Program End of Year Performance Report)

The Measurement requires that the following calculation be used:

1954 children with timely IEPs ÷ 2042 children (total from Part C referrals of 2513 children – 220 children not eligible – 251 children whose parents refused service) = .9569 × 100 = 95.69%

**Other Data:**

Range of days IEP delayed: Two (2) to Seventy-five (75)

Reasons for Delays include:

- Parents requested delay due to family emergency or child's illness
- District unable to locate child/family in timely manner
- Lack of staff to process transition
- First Steps Service Coordinator refusal to hold transition conference meeting until billing authorization was received
- Referral from Part C received late (less than 90 days prior to child's third birthday)
- Lack of communication between district and First Steps service coordinator

**FFY 2007 Compliance**

A total of 23 districts had compliance rates below 100%. Six districts were in substantial compliance (between 95-100%). Seventeen districts were below 95%. All 23 districts are required to implement corrective actions. In addition, districts with compliance below 95% are required to receive technical assistance.

**Required Response to FFY 2006 APR:**

OSEP's Response Table to KDE's FFY 2006 APR required the following information:

**Correction of FFY 2005 Noncompliance**

One hundred, seventy-six districts were monitored in FFY 2005. Sixty-seven districts were cited for noncompliance. Forty-five districts corrected the noncompliance in a timely manner. Twenty-two districts were cited that did not correct the noncompliance within one year. Nineteen of the 22 districts cited in FFY 2005 corrected their Indicator 12 noncompliance during FFY 2006. All 67 districts cited in FFY 2005 were in compliance by June 30, 2008.

Note: For districts initially cited in FFY 2006, KDE will report on correction of noncompliance in the APR due on February 1, 2010

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of progress:** Data indicate that the majority of children who transitioned from Part C (First Steps) services to Part B services did so in a timely manner. However, there was slippage of .86% from last year's APR. See Table 1 for compliance rates for the past four years.

**Table 1**

Comparison of Data for Indicator 12

FFY	(a) Number of Referrals	(b) Not eligible	(c) IEP by 3 <sup>rd</sup> birthday	(d) Parent refused	Actual Target Data
2007	2513	220	1954	251	95.69%
2006	2505	176	1933	327	96.55%
2005	1328	Data not available	1246	Data not available	93.75%
2004	1176		929		79.34%

Several factors contributed to the slippage:

- Ten percent (17 districts) had compliance rates of less than 95%. Seven of the 17 districts were located in the same Regional Training Center (RTC) area. In addition to technical assistance to the seven districts, the RTC is in need of targeted training to ensure that ongoing technical assistance provided by the RTC is effective.
- Five districts had less than five referrals from Part C and missed the timeline requirements for two or more children. Two districts had only one referral from Part C and missed the timelines, resulting in a 0% compliance rate. The districts that received few referrals from Part C may not have enough opportunities to institutionalize the process for handling transition cases in a timely manner.
- Districts reported that 28 referrals were processed late due to internal problems at the district (waiting on outside evaluations, lack of evaluation staff, scheduling evaluation staff, and other internal district issues).
- Sixty-four referrals (2.5%) were reported as children whom the district could not locate or find. Not all of these children should have been included in this category. Some districts included children in this category because the child's name was on the Part C Notification List. However, no transition conference was held and no referral for Part B services was received by the district. This negatively impacted the districts' compliance status.
- Additional data collected indicated that 17% or 419 referrals from Part C to local districts were late referrals. Late referral is defined as a referral to the district less than 90 days before the third birthday. It is important to note that not all late referrals resulted in missing the transition and evaluation timelines as districts expedited the evaluation to meet the timelines.

KDE staff and Part C lead agency staff met to discuss the issue of late referrals from Part C service coordinators. Changes in Part C procedures and contractual obligations should reduce the number of late referrals in the future. KDE provided technical assistance to districts that addressed their responsibility to contact parents who are on the Notification List no later than ninety (90) days prior to the child's third birthday if a transition conference has not been scheduled by that time.

#### **Validity of Data:**

The KDE Early Childhood Division staff reviewed transition data submitted by the districts for errors. Districts were required to revise and re-submit data when errors were noted. This data were then used to populate the KCMP Indicator 12. If districts found errors in the data when they began their analysis of data for the KCMP, they contacted KDE to correct their data. Indicator 12 data were included in the on-site Data Verification conducted by KDE to ensure accuracy of reporting.

KDE believes Indicator 12 data are valid and reliable.

Beginning with the FFY 2008 data collection, an additional checkpoint for data verification will be added in August of each year. Districts will receive a preliminary compliance rate calculation to check and revise their data if needed before state level data is compiled and analyzed.

#### **Completed Improvement Activities**

The following SPP activities were completed:

- KDE revised the student data system to include the Part C unique identifier for tracking purposes
- Part C provided KDE with a listing of children who were two years old or older quarterly, with KDE notifying districts of the children
- Ongoing training /technical assistance was provided by KDE staff and its partners

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007**

As set forth in the Introduction, DECS has reviewed and revised Kentucky's SPP Improvement Activities to reflect a focused, coordinated approach across indicators. One reason is to build a focused, coordinated system of general supervision starting with the SPP. The second is to focus on activities that are measurable and based on a root cause analysis of the data, so that the activities make a difference in improving compliance and student outcomes. Many of the original SPP activities did not meet this standard.

The new activity focuses on districts that are out of compliance with Indicator 12.

**Activity for Indicator 12**

<b>Indicator 12 Improvement Activity</b>	<p>KDE provided technical assistance to districts that are not in compliance with Indicator 12, with specific corrective actions to address districts with noncompliance longer than one year</p> <p><b>Action Steps:</b></p> <ol style="list-style-type: none"> <li>1. The Early Childhood Division will collect and analyze transition data, identifying districts who did not reach 100% compliance</li> <li>2. Analysis of Indicator 12 performance will be shared with DECS</li> <li>3. Technical assistance will be provided and will include specific activities based upon the correction plan developed by the districts and approved by KDE</li> <li>4. Early Childhood Division will track progress towards compliance with Early Childhood Regional Training Centers/Special Education Cooperatives providing needed district follow- up</li> <li>5. Districts with noncompliance for more than two years will be required to submit child specific data regarding the disposition of children listed on the quarterly Part C Notification List to the Early Childhood Division for a prescribed length of time</li> </ol>
<b>Evaluation</b>	<p>KDE will verify that the required corrective actions were implemented and that the noncompliance was corrected</p> <p>Co-ops and Regional Training Centers will be evaluated based on their region's compliance with Indicator 12</p>
<b>Timeline</b>	FFY 2008 – 2010
<b>Resources</b>	Early Childhood Division; DECS; RTCs; Special Education Co-ops

**Note: Additional Improvement Activities for districts that do not correct compliance within one year appear under Indicator 15.**



## Part B State Annual Performance Report (APR) for FFY 2007

**Overview of the Annual Performance Report Development:** See Introduction.

<b>Monitoring Priority: Effective General Supervision Part B / Effective Transition</b>
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**Indicator 13:** Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

(20 U.S.C. 1416(a)(3)(B))

<p><b>Measurement:</b> Percent = [(# of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals) divided by the (# of youth with an IEP age 16 and above)] times 100.</p>
--

$$\frac{\text{\# of youth with disabilities aged 16 and above with compliant IEPs}}{\text{Total \# of youth aged 16 and above with IEPs (reviewed)}}$$

<p><b>Data Source:</b> Kentucky Continuous Monitoring Process (KCMP)</p>
--

FFY	Measurable and Rigorous Target
2007	One hundred percent (100%) of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

**Actual Target Data for FFY 2007: 86.98%**

KDE made progress by increasing compliance rates by 19%, from 67.60% in FFY 2006 to 86.98% in FFY 2007, but did not reach its target of 100% compliance.

The Measurement requires that the following calculation be used:

2,331 youth with disabilities aged 16 and above with compliant IEPs ÷ 2,680 total youth aged 16 and above with IEPs (reviewed) = .8698 × 100 = 86.98%

As part of the KCMP, all districts conduct record reviews of at least 10% of their student records, with a minimum of 10 and a maximum of 50 files reviewed. In developing this selection strategy, DECS received technical assistance from OSEP technical assistance providers to ensure that the sample was valid and representative.

To validate and maintain the accuracy of these data, DECS routinely reviews district level KCMP data when conducting scholastic audits, management audits, technical assistance visits, and other on-site activities that include the involvement of DECS staff.

**FFY 2007 Compliance:** Indicator 13 requirements have been monitored by on-site visits, dispute resolution procedures, and the KCMP process.

Formal Complaints and Hearings

During FFY 2007, no findings regarding Indicator 13 were issued through formal complaints or hearings.

KCMP Monitoring

For FFY 2007, notification of noncompliance with Indicator 13 will be issued in the spring of 2009 following DECS review of KCMP self-assessments submitted on January 30, 2009.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress or Slippage:** DECS conducted a root cause analysis and reviewed the Indicator 13 Investigative Questions. Analysis of KCMP data showed substantial compliance in five of the seven sub-components of Indicator 13:

- Postsecondary goals: 95.19%
- Transition services: 97.91%
- Agency invited, if appropriate: 87.72%
- Consent for invitation, if appropriate: 83.54%
- Course of study: 96.87%
- Annual goals: 97.91%:
- Transition assessment: 97.09%

Progress for the five sub-components is attributed to technical assistance from national secondary transition providers utilized by KDE. (Specific technical assistance is at the end of this Indicator.) This resulted in professional development and technical assistance follow-up to districts by the Special Education Co-ops.

DECS attributes the noncompliance for the two remaining sub-components to two factors:

- The sub-component with the lowest compliance rate (parent consent for invitation to outside agency) was first required by the 2004 IDEA. Kentucky's special education regulations and district policies and procedures were not finalized until winter 2007 and summer 2008 respectively. DECS believes that some districts were not aware of the consent requirement.
- DECS discovered during recent district on-site visits that the second sub-component with a lower compliance rate (an outside agency is invited to the IEP meeting if appropriate) has been interpreted and trained inconsistently, resulting in lowered compliance rates for this requirement.

**Discussion of Improvement Activities Completed:** Completed Improvement Activities for Indicator 14 are listed in Indicator 1. The SPP activities for Indicators 1, 2, 13, and 14 have been aligned to coordinate efforts to ensure compliance and increase performance.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007:**

As set forth in the Introduction, the APR work group revised SPP activities to reflect a focused, coordinated approach across indicators. Stakeholders giving input for Indicators 1, 2, 13, and 14 further emphasized a coordinated approach to improvement.

One reason for the revisions was to build a focused, coordinated system of general supervision starting with the SPP. The second was to focus on activities that are measurable and based on a root cause analysis of the data, so that the activities make a difference in improving compliance and student outcomes. Many of the original SPP activities did not meet this standard.

The new Indicator 13 activity focuses on correction of district noncompliance. See Indicator 1 for related secondary transition activities.

## Activities for Indicator 13

<b>Indicator 13 Improvement Activity</b>	<p>DECS will provide training and technical assistance to districts that are out of compliance with Indicator 13.</p> <p><b>Action Steps</b> <b>DECS will:</b></p> <ol style="list-style-type: none"> <li>1. Develop training and a plan for district technical assistance and follow-up with the Special Education Co-ops</li> <li>2. Partner with Special Education Co-ops to provide required training for districts that are not in compliance with Indicator 13</li> <li>3. Partner with Co-ops for follow-up with noncompliant districts, including record review and correction of individual student IEPs</li> <li>4. Require noncompliant districts to report progress to DECS quarterly on correction of noncompliance</li> </ol>
<b>Evaluation</b>	<p>DECS will develop system for monitoring district implementation to verify Action Steps</p> <p>DECS will review quarterly progress reports</p> <p>Co-ops will be evaluated based on their region's compliance with Indicator 13</p>
<b>Timeline</b>	FFY 2008-2011
<b>Resources</b>	DECS; Special Education Co-ops

<b>Indicator 13 Improvement Activity</b>	<p>DECS will require all districts to use standardized IEP to comply with Indicator 13 requirements</p> <p><b>Action Steps</b> <b>DECS will:</b></p> <ol style="list-style-type: none"> <li>1. Develop a standardized IEP form for district use that will satisfy the transition requirements of Indicator 13</li> <li>2. Design an annotated IEP to support IEP team members using the standardized form.</li> <li>3. Advise KDE software developers on the needed revisions to the IEP form</li> <li>4. Require districts to use standardized IEP</li> </ol>
<b>Evaluation</b>	DECS will verify districts' use of standardized IEP
<b>Timeline</b>	FFY 2008-2011
<b>Resources</b>	DECS
<b>Status</b>	DECS has formed an advisory committees to review and revise the state IEP form

**Note: Additional Improvement Activities for districts that do not correct compliance within one year appear under Indicator 15.**

**Required response to FFY 2006 APR**

OSEP's Response Table to KDE's FFY 2006 APR required the following information

- **Correction of FFY 2005 Noncompliance:**

On-site Monitoring - During FFY 2005, nine of 12 districts that received on-site visits were in compliance with Indicator 13. The three noncompliant districts corrected the noncompliance within one year.

Formal Complaints and Hearings - During FFY 2005, no Indicator 13 findings were issued through formal complaints or hearings.

KCMP Monitoring - For FFY 2005, 58 districts were cited for noncompliance with Indicator 13. 42 of the 58 districts corrected the noncompliance within one year. 16 districts have been out of compliance for two years. Two of the 16 districts corrected the noncompliance by January 30, 2009.

Since FFY 2006, the Special Education Cooperatives have been required to align their funding applications upon the KDE State Performance Plan indicators. As part of the approval process, KDE reviews the regional APR results for each co-op and the focused technical assistance that co-ops have provided to districts.

KDE's emphasis on Indicator 13 correction of noncompliance has resulted in a co-op focus on technical assistance to districts that have been out of compliance, particularly those that have been noncompliant since FFY 2005. Each co-op has a transition consultant that has gone into the districts and provided transition training, record review training or both for Indicator 13. Many co-ops have done record reviews of student folders to ensure correction of noncompliance. Those that have not yet conducted record reviews have scheduled them for spring 2009. Co-ops have formed Transition Cadres in districts across the state.

In spite of the emphasis upon correction of Indicator 13 noncompliance, 14 districts remain out of compliance since FFY 2005. Consequently, KDE will place special conditions on the Part B grants of the 14 districts that remain out of compliance with Indicator 13 for the second consecutive year.

- **Correction of FFY 2006 Noncompliance:**

Formal Complaints and Hearings - During FFY 2006, no findings regarding Indicator 13 were issued through formal complaints or hearings.

KCMP Monitoring - 121 districts were cited for Indicator 13 noncompliance on May 9, 2008. Districts have one year to come into compliance. KDE will report on FFY 2006 correction of noncompliance in the APR due on February 1, 2010.

For districts that do not correct noncompliance in one year, DECS will take the actions described in the improvement activities for Indicator 13 and Indicator 15.

- **Revision of Indicator 13 Activities:**

DECS is taking forceful steps toward districts that are out of compliance with Indicator 13. Indicator 13 Improvement Activities have been revised to focus on districts that are out of compliance with Indicator 13. Revised Indicator 15 activities focus on districts that remain noncompliant for more than one year.

As of April 7, 2009, DECS, with the assistance of the Special Education Co-ops, has initiated the following activities to assist districts with understanding the requirements of Indicator 13. Special emphasis has been placed on the two subparts that have the lowest compliance rate, as noted on page 58:

- Revised the Record Review Document and the accompanying Record Review Instruction Manual used by districts to determine whether individual student records are in compliance with IDEA requirements
- Held a mandatory teleconference for all districts out of compliance with Indicator 13 for more than one year
- Scheduled a second mandatory teleconference for April 15, 2009 and an in-depth webinar on Indicator 13 at the end of May

#### Technical Assistance in Response to Needs Assistance Status

As stated in Indicator 3, KDE received a Letter of Determination from OSEP on June 6, 2008 that Kentucky was determined to need assistance for the second year in a row, due in part to noncompliance with Indicators 13. KDE is required to report on the technical assistance sources from which it received assistance and the actions taken as a result.

DECS staff has taken advantage of multiple opportunities for technical assistance for improving results for Indicator 13 (as well as Indicators 1, 2 and 14) since the submission of the FFY 2006 APR. DECS has received technical assistance from the following providers:

- National Secondary Transition Technical Assistance Center (NSTTAC)
- National Post school Outcomes Center (NPSO)
- National Dropout Prevention Center for Students with Disabilities (NDPC)
- Mid-South Regional Resource Center (MSRRC)
- National Center for Secondary Education and Transition (NCSET)
- OSEP

Actions taken as a result of the technical assistance include:

- Revised Improvement Activities for Indicator 13 to focus on correction of noncompliance
- Developed a state transition plan with interagency partners.
- Used the Mid-South *State Systems Improvement* self-assessment to revise Improvement Activities
- Revised activities for Indicators 1,2,13, and 14 to improve performance for all secondary transition indicators
- Developed and implemented trainings/information on *Meeting the Requirements of Indicator 13*; and *Age-Appropriate Transition Assessments*
- Reviewed evidence-based practices, including the Taxonomy for Transition Programming
- Disseminated resources and tools to LEAs for improving results for KCMP Indicator 13

## Part B State Annual Performance Report (APR) FFY 2007

**Overview of the Annual Performance Report Development:** See Introduction.

<b>Monitoring Priority: Effective General Supervision Part B / Effective Transition</b>
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**Indicator 14:** Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

(20 U.S.C. 1416(a) (3) (B))

<p><b>Measurement:</b> Percent = [(# of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school) divided by the (# of youth assessed who had IEPs and are no longer in secondary school)] times 100.</p> <p><b>Data Source:</b> Kentucky Post school Outcomes Data Collection System (Sampling Plan as described in SPP pages 144-147,152-158 and approved by OSEP in FFY 2006 Response Table.</p>
---

FFY	Measurable and Rigorous Target
2007	The percentage of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school will increase by one half of one percent (.5%)

**Revisions with Justification to Baseline Date:**

**Justification:** In the FFY 2006 SPP, KDE established a baseline of 74% of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of secondary school, or both, within one year of leaving high school.

As reported in the SPP, the baseline percent for this indicator was determined using the calculation of:

202 students competitively employed, enrolled in postsecondary education, or both ÷ 272 respondents, including those with missing outcome items= .74 x100 = 74% positive student engagement rate.

This calculation included data that were missing from the post school outcome interview items. This led to the false assumption that 26% (100% - 74%) of former students were unengaged when, in reality, 18% were unengaged and 8% did not respond to the items pertaining to employment, enrollment in postsecondary education or both.

The Youth One Year Out (YOYO) is a detailed interview that includes over 50 items that are all answered voluntarily by the interviewee. It is possible that a respondent may decline to answer the questions regarding employment and enrollment.

KDE's previous formula was: Percent = [(# of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school) divided by the( total # of youth contacted for the Youth One Year Out (YOYO) former student interview) x100].

After consultation with the National Post School Outcome Center (NPSO), KDE is amending this formula as follows: Percent = [(# of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school) **divided by the (total # of youth responding to the post school outcome interview items)** ×100].

#### Revisions to Baseline Data:

The corrected FFY 2006 baseline calculation is:

$$\begin{array}{r}
 137 \text{ Competitively Employed Only} \\
 + \quad 7 \text{ Enrolled in Postsecondary Education Only} \\
 + \quad 58 \text{ Both Competitively Employed and Enrolled in Postsecondary Education} \\
 \hline
 202
 \end{array}$$

Divided by 272 (Total Respondents) – 22 (missing data) = 250

$202 \div 250 = 80.8\%$  **total former student engagement**

#### Actual Target Data for FFY 2007: 80.6%

With correction of the baseline calculation, the target for FFY 2007 became 81.3%. [ $80.8\% + .5\% = 81.3\%$ ]. The Actual Target Data was 80.6%. KDE missed the target by .7%.

In FFY 2007, 359 total Former Students (or their parents/guardians) were reached for YOYO interviews, 325 of which responded to the post school outcome interview items.

The Measurement requires that the following calculation be used:

$$\begin{array}{r}
 166 \text{ Competitively Employed, only} \\
 + \quad 36 \text{ Enrolled in Postsecondary Education, only} \\
 + \quad 60 \text{ Both Competitively Employed and Enrolled in Postsecondary Education} \\
 \hline
 262 \div 325 \text{ (359 total respondents – 34 responses missing on post school outcome interview items)} = \\
 \mathbf{80.6\% \text{ total former student engagement}}
 \end{array}$$

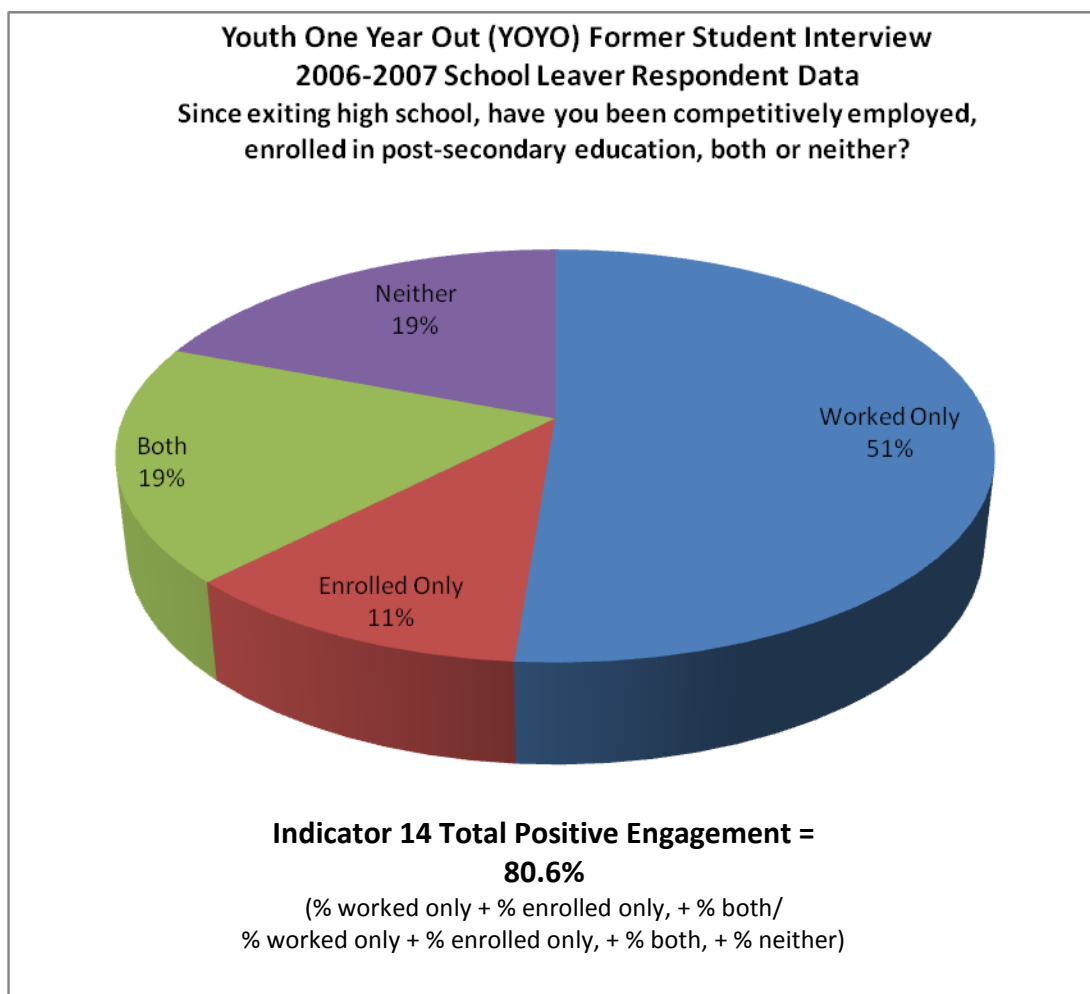
Kentucky's sampling plan is described in the SPP at pages 144-147 and pages 152-158. It was approved by OSEP in the FFY 2006 Response Table.

Definitions of competitive employment and postsecondary school are in the SPP at page 144.

As stated in FFY 2006 Response Table, an evaluation of the Kentucky sampling plan indicated that it yields valid and reliable data for this Indicator.

FFY 2007 data are presented in Figure 1 below:

Figure 1

**Representativeness**

The National Post School Outcomes Center (NPSO) Response Calculator was used to calculate representativeness of the respondent group on the characteristics of disability, ethnicity, gender, and dropout. According to this Response Calculator, differences between the Respondent Group and the Target Leaver Group of  $\pm 3\%$  are significant. Negative differences indicate an under-representativeness of the group and positive differences indicate over-representativeness.

Only one category exceeds the  $\pm 3\%$  interval indicating a significant difference in the respondents from the target leaver group. This category is “minority” with an over-representation of +4.60%. This means that a higher percentage of former students from minority backgrounds responded to the Youth One Year Out (YOYO) Former Student Interview than would have been expected based on exit data.

**Missing Data**

Of the 527 former student interviews, 325 former students responded to the items related to post school employment and enrollment in postsecondary education. This represents a response rate of 61.6%.

The amount of missing data from the 359 students in our sample is higher than expected at 10%, or 34 former students for whom this data was missing. KDE will analyze the missing data to determine if



there are patterns of missing information or if there are variances in missing data in different regions of Kentucky.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress or Slippage:** The lack of progress is attributable to the collection and reporting of post school outcome data having been in place for only one year. Efforts over the past year have focused on refining the data collection instrument, refining the protocol, and increasing the professional capacity of district staff responsible for data collection.

The “start-up” process resulted in the inability to systematically provide technical assistance at the district level. KDE believes that this reason, along with the downturn in the economy, affected progress toward the target. For FFY 2008, focus can be placed on the key element of professional development and training that is set out in the revised Improvement Activity.

**Discussion of Improvement Activities Completed:** See discussion of improvement activities under Indicator 1. The SPP activities for Indicators 1, 2, 13, and 14 have been aligned due to their common elements.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007:**

As set forth in the Introduction, the APR work group has revised SPP activities to reflect a focused, coordinated approach across indicators. The justification for activity revisions is based on a desire to base activities on root cause analysis of the data and to have measurable, meaningful activities.

Revisions were also made to build a KDE system of general supervision starting with the SPP that addresses IDEA compliance as well as improved outcomes for students with disabilities. Stakeholders giving input for Indicators 1, 2, 13, and 14 further emphasized a coordinated approach to improvement.

The revised activity described below focuses on improvement of results for Indicator 14.

**Activity for Indicator 14**

<b>Improvement Activity (Indicators 1, 2, 13, 14 – focusing on improvement for Indicator 14)</b>	<p>DECS and HDI-UK staff (SPDG) will refine the Kentucky Postschool Outcomes Data Collection System to improve results for Indicator 14.</p> <p><b>Action Steps:</b> <b>DECS and HDI-UK staff will:</b></p> <ol style="list-style-type: none"> <li>1. Work with the Special Education Co-ops to identify district interviewers for the YOYO</li> <li>2. Provide systematic training and follow- up to district interviewers</li> <li>3. Utilize data collected to provide regional, district, and state level reports</li> <li>4. (HDI-UK will) meet with each Special Education Co-op and directors of special education within each region to discuss data results and to facilitate root cause analysis to increase response rates and student outcomes</li> <li>5. (HDI-UK will) conduct analysis of missing data to determine patterns/problems</li> </ol>
<b>Evaluation</b>	<p>Response rates, representativeness, and selection bias will be reviewed after data collection for FFY 2008.</p>
<b>Timeline</b>	<p>FFY 2008-2010</p>
<b>Resources</b>	<p>DECS; HDI-UK; Special Education Co-ops;</p>
<b>Status</b>	<p>See <a href="http://www.kypso.org">www.kypso.org</a></p>

### Part B State Annual Performance Report (APR) for FFY 2007

**Overview of the Annual Performance Report Development:** See Introduction.

**Monitoring Priority:** Effective General Supervision Part B / General Supervision

**Indicator 15:** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a) (3) (B))

**Measurement:**

- a. Percent of noncompliance corrected within one year of identification:  
# of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year of identification.

Percent = [(b) divided by (a)] times 100

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and enforcement actions that the State has taken.

FFY	Measurable and Rigorous Target
FFY 2007	One hundred percent (100%) of noncompliance identified through the general supervision system (monitoring, complaints, due process hearings, etc.) are corrected within one year of identification.

**Actual Target Data for FFY 2007: 100%**

All noncompliance identified through formal complaints, hearings and the KCMP/ NCCRESt survey for Indicators 9 and 10 were corrected within one year of identification.

Districts that were identified as noncompliant for KCMP Indicators 11, 12, and 13 during FFY 2006 were notified of the noncompliance by KDE on May 9, 2008. Districts have until May 9, 2009 to correct the FFY 2006 noncompliance. KDE will report on the correction of noncompliance within one year for Indicators 11, 12 and 13 in the FFY 2008 APR, due on February 1, 2010.

See the Part B 15 Worksheet below for the actual raw data and calculation.

## PART B INDICATOR 15 WORKSHEET

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2006 (7/1/06 to 6/30/07)	(a) # of Findings of noncompliance identified in FFY 2006 (7/1/06 to 6/30/07)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
2. Percent of youth with IEPs dropping out of high school.				
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Dispute Resolution: Complaints, Hearings			
3. Participation and performance of children with disabilities on statewide assessments.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Dispute Resolution: Complaints, Hearings	Source: Complaints Indicator 7	6	6
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
5. Percent of children with IEPs aged 6 through 21 -educational placements.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
6. Percent of preschool children aged 3 through 5 – early				

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2006 (7/1/06 to 6/30/07)	(a) # of Findings of noncompliance identified in FFY 2006 (7/1/06 to 6/30/07)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
childhood placement.	Dispute Resolution: Complaints, Hearings	Source: Complaints Indicator 6	2	2
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	Source: Complaints Indicator 8	3	3
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.  10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	Source: NCCRESt Survey Indicators 9 & 10	Indicator 9 2	Indicator 9 2
		32	Indicator 10 20	Indicator 10 20
	Dispute Resolution: Complaints, Hearings			
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Monitoring Activities: Self-Assessment (KCMP)/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	Source: KCMP Indicator 11	176	0
	Dispute Resolution: Complaints, Hearings	Source: Complaint Indicator 11	1	1

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2006 (7/1/06 to 6/30/07)	(a) # of Findings of noncompliance identified in FFY 2006 (7/1/06 to 6/30/07)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	Source: <i>Preschool Performance Report/KCMP Indicator 12</i>  176	0	0
	Dispute Resolution: Complaints, Hearings			
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	Source: <i>KCMP Indicator 13</i>  176	0	0
	Dispute Resolution: Complaints, Hearings			
Sum the numbers down Column a and Column b			34	34
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	100%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of Progress or Slippage:** KDE believes that the IDEA 2004 district determination process has required districts to focus attention on the SPP compliance indicators. Adding Indicator 15 to the KCMP self-assessment has also required districts to provide root cause analyses to determine reasons for remaining out of compliance for more than one year.

**Discussion of Improvement Activities Completed:** Improvement activities completed have been addressed in prior APRs

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007**

As set forth in the Introduction, the APR work group has revised SPP activities to reflect a focused, coordinated approach across indicators. The justification for activity revision is based on two reasons. One is to build a system of general supervision within KDE, including a coordinated set of activities within the SPP that addresses IDEA compliance, as well as improved outcomes for students with disabilities.

The second reason for revision is based on KDE's need to have activities which are measureable and based on root cause analysis of baseline data to ensure progress toward indicator targets. Improvement Activities for correction of noncompliance within one year has become a priority for KDE.

**Activities for Indicator 15**

<b>Indicator 15 Improvement Activity</b>	<p>DECS will increase district oversight to ensure correction of noncompliance within one year</p> <p><b>Action Steps</b> <b>DECS will:</b></p> <ol style="list-style-type: none"> <li>1. Develop a protocol for increased contact by DECS with districts that are out of compliance with SPP Indicators 9, 10, 11, 12 and 13</li> <li>2. Develop technical assistance and training for noncompliant districts</li> <li>3. Assign DECS consultants to work directly with districts and Special Education Co-ops in correcting noncompliance</li> <li>4. Schedule mandatory meetings and teleconferences to provide training on regulatory requirements with districts that are out of compliance with SPP Indicators</li> <li>5. Require quarterly status reports from districts that fail to correct noncompliance within one year</li> </ol>
<b>Evaluation</b>	<p>Review of protocol implementation by DECS consultants by DECS director</p> <p>Review of quarterly status reports by DECS</p> <p>Co-ops will be evaluated based on their region's compliance with Indicator 15</p>
<b>Timeline</b>	FFY 2008 and FFY 2009
<b>Resources</b>	DECS; Special Education Co-ops
<b>Status</b>	Activity planning is underway; implementation will begin in March 2009

<b>Indicator 15 Improvement Activity</b>	<p>DECS will incorporate Indicator 15 into the Kentucky Continuous Monitoring Process</p> <p><b>Action Steps</b> <b>DECS will:</b></p> <ol style="list-style-type: none"> <li>1. Add Indicator 15 to KCMP self-assessment</li> <li>2. Collect data on district correction of noncompliance with SPP indicators</li> <li>3. Conduct Indicator 15 KCMP review</li> <li>4. Initiate enforcement action if district does not correct noncompliance within one year</li> </ol>
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<b>Evaluation</b>	DECS will review of KCMP to determine correction of noncompliance within one year
<b>Timeline</b>	2008-09
<b>Resources</b>	DECS, KCMP Work Group
<b>Status</b>	Indicator 15 has been added to the FFY 2007 KCMP self-assessment, which was provided to districts in August 2008 and submitted to DECS on January 30, 2009.  DECS will begin KCMP reviews in February-March 2009

<b>Indicator 15 Improvement Activity</b>	<p>DECS will take enforcement action toward districts that do not correct noncompliance within one year</p> <p><b>Action Steps</b> <b>DECS will:</b></p> <ol style="list-style-type: none"> <li>1. Develop protocol for progressive sanctions toward districts that are not in compliance for more than one year</li> <li>2. Apply sanctions to these districts, ranging from mandatory training and technical assistance, directed use of funds, and withholding IDEA funding in part or in whole</li> </ol>
<b>Evaluation</b>	On-site monitoring; desk audits; KCMP reviews; formal complaint and due process hearing follow-up
<b>Timeline</b>	FFY 2008-2010
<b>Resources</b>	DECS
<b>Status</b>	Will be coordinated with district determination process

<b>Indicator 15 Improvement Activity</b>	<p>DECS will develop a tracking system for Indicators 15-19 to track Indicator requirements as well as to collect Section 618 data for Table 7 and the SPP</p> <p><b>Action Steps</b> <b>DECS will:</b></p> <ol style="list-style-type: none"> <li>1. Develop a tracking system for all SPP General Supervision indicators</li> <li>2. Develop protocol for data entry</li> <li>3. Train all users of tracking system on the tracking instrument and data entry protocol</li> </ol>
<b>Evaluation</b>	<p>An internal evaluation will be conducted by KDE staff not involved in the dispute resolutions process. The evaluator will look at:</p> <ul style="list-style-type: none"> <li>• Accuracy of data entry</li> <li>• Compliance with data protocol</li> <li>• Compliance with required timelines</li> </ul>
<b>Timeline</b>	FFY 2008 and 2009
<b>Resources</b>	DECS data manager, technology consultant

<b>Status</b>	Data “events” required to collect SPP General Supervision indicators data have been established
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**Required Response to FFY 2006 APR**

Previous instances of noncompliance identified for Indicators 9 and 10 in FFY 2006 have been corrected. See those indicators for a description.

District KCMPs for FFY 2006 were submitted to KDE on January 30, 2008. Due to the timing of the KCMP submission, KDE did not notify districts of FFY 2006 noncompliance for Indicators 11, 12 or 13 until May 9, 2008. KDE will report on FFY 2006 correction of noncompliance in the APR submitted to OSEP on February 1, 2010.

**Technical Assistance received by KDE, pursuant to OSEP’s June 6, 2008 Letter of Determination**

KDE has received technical assistance related to Indicators 9, 10, 13 and 15. This information is broken down by indicator.

Indicator 9 and Indicator 10

- Ongoing technical assistance including face-to-face meetings, written materials and conference calls has been provided through the Mid-South Regional Resource Center (MSRRC).
- Direct technical assistance provided through the Northeast Regional Resource Center (NERRC)
- Technical assistance obtained through the study of materials provided through the National Center for Culturally Responsive Education Systems (NCCRESt)
- Review of websites and documents pertaining to disproportionate representation due to inappropriate identification from the websites and publications of other states

For FFY 2007, no districts were identified as having disproportionate representation due to inappropriate identification for Indicators 9 and 10.

Indicator 13

DECS has received technical assistance from the following providers:

- National Secondary Transition Technical Assistance Center (NSTTAC)
- National Post school Outcomes Center (NPSO)
- National Dropout Prevention Center for Students with Disabilities (NDPC)
- Mid-South Regional Resource Center (MSRRC)
- National Center for Secondary Education and Transition (NCSET)
- OSEP

Actions taken as a result of the technical assistance include:

- Revised Improvement Activities for Indicator 13 to focus on correction of noncompliance
- Developed a state transition plan with interagency partners.
- Used the Mid-South *State Systems Improvement* self-assessment to revise Improvement Activities
- Revised activities for Indicators 1,2,13, and 14 to improve performance for all secondary transition indicators
- Developed and implemented trainings/information on *Meeting the Requirements of Indicator 13*; and *Age-Appropriate Transition Assessments*
- Reviewed evidence-based practices, including the Taxonomy for Transition Programming
- Disseminated resources and tools to LEAs for improving results for KCMP Indicator 13



Indicator 15

KDE has accessed technical assistance on timely correction of noncompliance from the following sources:

OSEP provided technical assistance on correction of noncompliance during KDE's December 2008 Verification Visit. The assistance continued through December into January 2009. OSEP assistance was directed toward revising compliance indicator activities to directly deal with the causes of district noncompliance and KDE's follow-up actions. As a result, KDE revised all activities for compliance indicators to focus on the districts that were out of compliance and the reasons causing their noncompliance.

Mid-South Regional Resource Center assisted KDE with correcting noncompliance in a timely manner, by providing technical assistance in the following forms:

- Conducted APR meetings throughout the year with an emphasis on the correction of noncompliance
- Provided training and follow-up on developing and implementing focused, measurable improvement activities for compliance indicators
- Guided revisions and enhancements to the KCMP to focus data analysis and correction of noncompliance at the district and state levels

KDE believes that technical assistance received will improve district compliance with IDEA and has assisted KDE with improving correction of noncompliance in a timely manner.

## Part B State Annual Performance Report (APR) for FFY 2007

Overview of the Annual Performance Report Development: See Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 16:** Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:** Percent =  $[(1.1(b) + 1.1(c)) \text{ divided by } 1.1] \text{ times } 100$ .

**Data Source:**

Data collected on Table 7 of Information Collection 1820-0677 (*Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act*).

FFY	Measurable and Rigorous Target
2007	One hundred percent (100%) of signed written complaints with reports issued will be resolved within a 60-day timeline or a timeline extended for documented exceptional circumstances

**Actual Target Data for FFY 2007: 100%**

10 of 10 signed written complaints filed with KDE were resolved within the 60-day timeline or a properly extended timeline.

The Measurement requires that the following calculation be used:

3 reports within the 60-day timeline plus 7 reports within properly extended timelines, divided by 10 total complaints with reports issued, multiplied by 100 = 100%

The data for the Measurement comes from Table 7 of KDE's Section 618 Data Report. Table 7 is attached as APR Appendix 3. A segment of Table 7, entitled *Written Signed Complaints*, is included below as Table 1.

**Table 1**

REPORT OF DISPUTE RESOLUTION UNDER PART B, OF THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT  
2007-08

SECTION A: WRITTEN, SIGNED COMPLAINTS	
(1) Written, signed complaints total	19
(1.1) Complaints with reports issued	10
(a) Reports with findings	7

(b) Reports within timeline	3
(c) Reports within extended timelines	7
(1.2) Complaints withdrawn or dismissed	9
(1.3) Complaints pending	0
(a) Complaints pending a due process hearing	0

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage for FFY 2007**

Explanation of progress: In FFY 2005, responsibility for complaint investigations was moved to DECS. Since then, KDE has maintained 100% compliance with the requirements of Indicator 16. Table 2 contains longitudinal data for Indicator 16.

**Table 2**

FFY	Complaints with Reports issued	Reports within timelines	Reports within Extended Timelines	Percentage Resolved within Timelines
2003	35	32	3	91%
2004	32	20	12	62.5%
2005	15	8	7	100%
2006	26	21	5	100%
2007	10	3	7	100%

Discussion of Improvement Activities Completed: Note: To better coordinate activities for General Supervision Indicators, KDE has developed common activities for Indicators 15 through 19 where applicable.

All SPP activities for Indicator 16 and 17 have been completed and discussed in prior APRs, with the exception of the following activities:

- Update of the DECS data base to allow tracking of timelines for formal complaints
- Development of a protocol for data entry into the complaint data base

Although DECS continues to require a tracking system for the SPP, the existing data base is not suitable for this purpose. This activity is being deleted and replaced by the development of a simplified tracking system. A protocol will be developed for data entry into the tracking system.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007**

As set forth in the Introduction, the DECS APR work group has revised SPP activities to reflect a focused, coordinated approach across indicators. The justification for activity revision is based on two reasons. One is to build a system of general supervision within KDE, including a coordinated set of activities within the SPP that address IDEA compliance, as well as improved outcomes for students with disabilities.

The second reason for revision is based on the need to have activities which are measureable and based on root cause analysis of data. to ensure compliance with the target.

For Indicators 15 through 19, DECS has developed an activity of a general supervision tracking system. This will assist DECS in doing formative evaluations of progress on monitoring noncompliance for Indicator 15. It will provide a “tickler” system for upcoming timelines for Indicators 16 and 17. A tracking system will also obtain “real-time” data for root cause analysis regarding settlement of disputes for Indicators 18 and 19.

#### Activity for Indicators 15, 16, 17, 18 and 19

<b>Indicators 15, 16, 17, 18, and 19 Improvement Activity</b>	<p>DECS will develop a tracking system for Indicators 15-19 to track Indicator requirements as well as to collect Section 618 data for Table 7 and the SPP</p> <p><b>Action Steps</b>  <b>DECS will:</b></p> <ol style="list-style-type: none"> <li>1. Develop a tracking system for all SPP General Supervision indicators</li> <li>2. Develop protocol for data entry</li> <li>3. Train all users of tracking system on the tracking instrument and data entry protocol</li> </ol>
<b>Evaluation</b>	<p>An internal evaluation will be conducted by KDE staff not involved in the dispute resolutions process. The evaluator will look at:</p> <ul style="list-style-type: none"> <li>• Accuracy of data entry</li> <li>• Compliance with data protocol</li> <li>• Compliance with required timelines</li> </ul>
<b>Timeline</b>	FFY 2008 and 2009
<b>Resources</b>	DECS data manager, technology consultant
<b>Status</b>	Data “events” required to collect SPP General Supervision indicators data have been established

## Part B State Annual Performance Report (APR) for FFY 2007

Overview of the Annual Performance Report Development: See Introduction.

<b>Monitoring Priority: Effective General Supervision Part B / General Supervision</b>
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**Indicator 17:** Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

(20 U.S.C. 1416(a)(3)(B))

<b>Measurement:</b> Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100
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<b>Data Source:</b>
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Data collected on Table 7 of Information Collection 1820-0677 ( <i>Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act</i> ).
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FFY	Measurable and Rigorous Target
2007	One hundred percent (100%) of fully adjudicated due process hearing requests are fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party

**Actual Target Data for FFY 2007:** Not applicable. No due process hearings were fully adjudicated during FFY 2007.

The Measurement data comes from Table 7 of KDE's Section 618 Data Report. Table 7 may be found in its entirety as Appendix 3. The portion of Table 7 dealing with due process hearings is labeled as Table 1.

**Table 1**

REPORT OF DISPUTE RESOLUTION UNDER PART B, OF THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT  
2007-08

SECTION C: DUE PROCESS COMPLAINTS	
(3) Due process complaints total	18
(3.1) Resolution meetings	7
(a) Written Settlement agreements	3
(3.2) Hearings (fully adjudicated)	0
(a) Decisions within timeline (include expedited)	0
(b) Decisions within extended timeline	0

(3.3) Resolved without a hearing

16

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of progress or slippage:** KDE's Section 618 data for Indicator 17 shows that 18 due process hearings were requested from July 1, 2007 through June 30, 2008. All but two hearings were resolved, either through resolution agreements, mediation or through other means.

Since no hearings were fully adjudicated during FFY 2007, KDE does not know if the last year's activities to correct the noncompliance for this indicator were effective.

**Discussion of Improvement Activities Completed-** See Indicator 16.

Note: To better coordinate activities for General Supervision Indicators, KDE has developed common activities for Indicators 15 through 19 where applicable.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007**

See APR Indicator 16 section entitled, "*Revisions with Justification*" for revisions to Indicator 17 activities. Since Indicators 16 and 17 are closely related, Improvement Activity revisions set forth in Indicator 16 apply to Indicator 17.

## Part B State Annual Performance Report (APR) for FFY 2007

Overview of the Annual Performance Report Development: See Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 18:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:** Percent = (3.1(a) divided by 3.1) times 100.

**Data Source:**

Data collected on Table 7 of Information Collection 1820-0677 (*Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act*).

FFY	Measurable and Rigorous Target
2007	Seventy-three percent (73%) of hearing requests that went to resolution sessions are resolved through resolution session settlement agreements.

**Actual Target Data for FFY 2007: 43%**

KDE did not meet its target for FFY 2007.

The Measurement requires that the following calculation be used:

Three settlement agreements resulting from resolution sessions held, divided by seven resolution sessions held, multiplied by 100 = 43%

The Measurement data comes from Table 7 of KDE's Section 618 data. The relevant section of Table 7 regarding due process hearings and resolution sessions was included in Indicator 17 and is repeated here as Table 1.

**Table 1**  
REPORT OF DISPUTE RESOLUTION UNDER PART B, OF THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT  
2007-08

SECTION C: DUE PROCESS COMPLAINTS	
(3) Due process complaints total	18
(3.1) Resolution meetings	7
(a) Written Settlement agreements	3
(3.2) Hearings (fully adjudicated)	0
(a) Decisions within timeline (include expedited)	0
(b) Decisions within extended timeline	0

(3.3) Resolved without a hearing

16

Table 7 from KDE's Section 618 data is found at Appendix 3.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of progress or slippage:** This year's APR is the third year in which Indicator 18 data has been collected and analyzed. KDE reached its targets for Indicator 18 for the first two years of reporting (See FFY 2006 APR where KDE's end target projected for FFY 2010 was reached last year.)

This year, three of the seven resolution sessions held were resolved by written agreement. In looking at Section 618 data in Table 7 for the past three years, the number of resolution sessions held has steadily declined. This held true even last year, when the number of hearings requested increased by almost a third from the prior year.

In the first year of collecting data, 84% of parties to due process hearings attended resolution sessions. The percentage of parties attending resolution sessions dipped to 60% in the second year. In contrast, this year's FFY 2007 data shows that parties to hearings attended resolution sessions only 39% of the time. See Table 2 below for details.

**Table 2**

FFY	Number of hearings requested	Number of resolution sessions held	Percentage of hearings requests going to resolution sessions	Number of resolution agreements
2005	19	16	84%	11
2006	25	15	60%	12
2007	18	7	39%	3

DECS has reviewed hearing records in investigating the cause for the slippage. The review showed that the parties to hearings are agreeing to mediation or settlement meetings instead of attending resolution sessions,

Four of the seven resolution sessions held in FFY 2007 did not result in settlement agreements. Two of the four ultimately went to hearings, indicating that the parties were entrenched in their positions. Another unsuccessful resolution session was dismissed by the hearing officer for failure of the parents to cooperate with hearing orders. In the remaining case, mediation was subsequently held after the resolution session, with the parties successfully reaching a mediation agreement.

DECS has contacted parties to hearings as part of its root cause analysis. Opinions regarding the value of resolution sessions vary. Some parties believe that the resolution process is valuable and is helpful in focusing attorney discussion on settlement. Other parties believe that when both parties are represented by counsel at the resolution session, the session is regarded as a "hoop" to jump through, in order to proceed with the hearing.

DECS has not been able to determine with certainty the root cause for the decrease in the percentage of resolution agreements. Due to the small number of resolution sessions held last year, any change in resolution settlement numbers have a disproportionate effect on the percentage of successful resolution sessions.



Indicator 19 data for mediations demonstrate a large increase both in the number of mediations held and settled. DECS believes the increase in mediation numbers has decreased the number of resolution sessions. DECS plans a new activity for Indicators 18 and 19 to pinpoint the root cause for the changes in data for both indicators.

**Discussion of Improvement Activities Completed:** Note- To better coordinate activities for General Supervision Indicators, KDE has developed common activities for Indicators 15 through 19 where applicable.

KDE has completed all Indicator 18 activities listed in the SPP, with the exception of the following:

- DECS will request input from the General Supervision Work Group regarding activities to increase resolution success rate

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for**

As set forth in the Introduction, KDE is revising all SPP activities to build a coordinated system of general supervision. The second reason for activity revision is to focus on activities that are measurable and based on a root cause analysis of the data.

A tracking system is the new coordinated activity for the General Supervision Indicators 15, 16 17, 18 and 19. It is described in Indicator 16.

A tracking system that contains “real-time” data will ensure that DECS has current, accurate information to meet its general supervision responsibilities. For Indicator 18, a tracking system will obtain current data for ongoing analysis regarding settlement of disputes by resolution session and mediation.

In addition to the coordinated tracking system, DECS has written an additional activity for Indicators 18 and 19. DECS believes the close connection between mediations and resolution sessions allows a shared activity that is relevant for both indicators.

Because the reason for the slippage for Indicator 18 is unclear, DECS will examine the relationship between KDE’s success with mediation and the downturn in successful resolution sessions. A survey will collect data to analyze the reasons for APR actual target data for both indicators. The survey activity was suggested by due process consultants from the Special Education Cooperatives.

**Activity for Indicators 18 and 19**

<b>Indicator 18 and 19 Improvement Activity</b>	<p>DECS will conduct surveys of parties to IDEA dispute resolution processes to assess the effectiveness of mediation and resolution sessions in settling disputes</p> <p>Action steps</p> <ol style="list-style-type: none"> <li>1. DECS will meet with KDE dispute resolution staff to develop a survey and process for sending surveys to mediation and resolution session parties</li> <li>2. DECS will publicize the survey process</li> <li>3. DECS will conduct ongoing data analysis throughout the year</li> <li>4. New Indicator 18 and 19 activities will be developed if applicable, based on root cause analysis</li> </ol>
<b>Evaluation</b>	Survey response rate will be examined quarterly
<b>Timeline</b>	FFY 2008 and 2009
<b>Resources</b>	DECS, Outside evaluator

## Part B State Annual Performance Report (APR) for FFY 2007

Overview of the Annual Performance Report Development: See Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 19:** Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:** Percent =  $[(2.1(a)(i) + 2.1(b)(i)) \text{ divided by } 2.1] \text{ times } 100$ .

**Data Source:**

Data collected on Table 7 of Information Collection 1820-0677 (*Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act*).

FFY	Measurable and Rigorous Target
2007	Sixty-eight percent (68%) of mediations requested will result in mediation agreements

**Actual Target Data for FFY 2007:** 90%.

KDE has exceeded its target for FFY 2007 by 22% and has exceeded its final FFY 2010 target of 85% by 5%.

The Measurement requires that the following calculation be used: Five  
mediation agreements related to due process plus 14 mediation agreements not related to due process,  
divided by 21 mediations held, times 100, for a percentage of 90%.

The Measurement data comes from Table 7 of KDE's Section 618 Data Report. The entire Table appears as APR Appendix 3. The portion of the Table 7 related to mediations appears below as Table 1.

**Table 1**  
REPORT OF DISPUTE RESOLUTION UNDER PART B, OF THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT  
2007-08

SECTION B: MEDIATION REQUESTS	
(2) Mediation requests total	27
(2.1) Mediations held	21
(a) Mediations held related to due process complaints	6
(i) Mediation agreements	5
(b) Mediations held not related to due process complaints	15
(i) Mediation agreements	14
(2.2) Mediations not held (including pending)	6

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2007:**

**Explanation of progress:** Kentucky had few mediations requested and settled at the beginning of the SPP process. Realizing that any change in the number of mediation settlements, even slight, exaggerated the progress toward the target, KDE has focused its efforts on increasing the numbers of mediations. This ensures that the data used is valid and reliable in judging progress.

Table 2 shows mediation growth over the past four years.

**Table 2**

FFY	Mediations held	Mediations resolved by agreement	Percentage of Successful Mediations
2004	13	7	53.8%
2005	12	8	67%
2006	16	12	75%
2007	21	19	90%

In four years of work on Indicator 19, Kentucky has seen the number of mediations held increase by 62%, from 13 held in FFY 2004 to 21 mediations held in FFY 2007. More importantly, the number of mediation agreements has nearly tripled during that time, from 7 in FFY 2004 to 19 in FFY 2007.

Increased emphasis on mediation, from hands-on training with mock mediations to a more visible presence on the web site, has contributed to both the increased numbers and the increased rate of settlement. When parties have a realistic understanding of the mediation process, it is more likely to be successful. Another possible reason for Indicator 19 progress is the use of mediation instead of resolution sessions by parties to due process hearings.

DECS believes the data is valid and reliable due to increased numbers of mediations. DECS will continue to look for ways to increase the use of mediation in Kentucky.

**Discussion of Improvement Activities Completed:** KDE has completed all activities for Indicator 19 listed in the SPP, with the exception of the following:

- Develop a post-mediation satisfaction survey
- Use of survey to evaluate mediation process
- Develop a mediation packet for parents/guardians

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007**

Note- To better coordinate activities for General Supervision Indicators, KDE has developed common activities for Indicators 15 through 19 where applicable.

As set forth in the Introduction and in Indicators 16, KDE is revising its activities to focus on comprehensive general supervision activities that are measurable and are based on data analysis. The Indicator 16 activity of developing a “real time” tracking system is the major activity for Indicator 19. A tracking system that contains current information will allow DEC’s to collect data needed for the SPP and to do formative evaluation for reacting quickly to trends in dispute resolution..

In addition to the tracking system, DECS has included a new activity for Indicators 18 and 19 only. The activity is to survey parties to dispute resolution to obtain information for Indicator 18 and 19 root cause analysis. The survey will also be used to examine ways of increasing the use of IDEA mediation.

See Indicators 16 and 18 for details on the Improvement Activities for Indicator 19.

### Part B State Annual Performance Report (APR) for FFY 2007

Overview of the Annual Performance Report Development: See Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 20:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:** Percent =  $[(1.1(b) + 1.1(c)) \text{ divided by } 1.1] \text{ times } 100$ .

State reported data, including 618 data and Annual Performance Reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

FFY	Measurable and Rigorous Target
<b>2007</b>	100% of state reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

**Actual Target Data for FFY 2007: 100%**

In using the Data Rubric Kentucky measured 100% for this indicator. All APR indicators were reported as reliable and valid with correct calculations and all Section 618 Data Tables were submitted on time, were complete, passed edit checks, and all requests for edit notes were provided.

The Measurement requires that the following calculation be used:

1. Completion of the Data Rubric for each Indicator of the APR scoring 1 point for the indicator being valid and reliable, 1 point for each indicator having correct calculation (excluding Indicators 1 and 2), and 5 points for a valid submission of the APR on a timely basis.
2. Completion of the Data Rubric for each of the Section 618 Data Tables scoring 1 point for the timely submission of each table, 1 point for each table being complete, 1 point for each table passing edit checks, and 1 point for responding to requests for data notes on Tables 1 and 3.

A copy of the OSEP approved Data Rubric for Indicator 20 is provided below as Table 1.

Table 1

## PART B INDICATOR 20 RUBRIC

Part B Indicator 20 - SPP/APR Data			
APR Indicator	Valid and reliable	Correct calculation	Total
1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
5	1	1	2
7	1	1	2
8	1	1	2
9	1	1	2
10	1	1	2
11	1	1	2
12	1	1	2
13	1	1	2
14	1	1	2
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		<b>Subtotal</b>	38
<b>APR Score Calculation</b>	<b>Timely Submission Points</b> (5 pts for submission of APR/SPP by February 2, 2009)		5
	<b>Grand Total</b>		43

PART B INDICATOR 20 RUBRIC  
(Continued)

Part B Indicator 20 - 618 Data					
Table	Timely	Complete Data	Passed Edit Check	Responded to Date Note Requests	Total
Table 1 – Child Count Due Date: 2/1/08	1	1	1	1	4
Table 2 – Personnel Due Date: 11/1/08	1	1	1	N/A	3
Table 3 – Ed. Environments Due Date: 2/1/08	1	1	1	1	4.
Table 4 – Exiting Due Date: 11/1/08	1	1	1	N/A	3
Table 5 – Discipline Due Date: 11/1/08	1	1	1	N/A	3
Table 6 – State Assessment Due Date: 2/1/09	1	1	1	N/A	3
Table 7 – Dispute Resolution Due Date: 11/1/08	1	1	1	N/A	3
			Subtotal		23
		Weighted Total (subtotal X 1.87; round ≤.49 down and ≥ .50 up to whole number)			43
Indicator #20 Calculation					
			A. APR Total		43
			B. 618 Total		43
			C. Grand Total		86
Percent of timely and accurate data = (C divided by 86 times 100)			86 ÷ 86 X 100 =		100%

To make sure that Kentucky's data are accurate, error free, consistent, valid and reliable, KDE works closely with district and school personnel in the development of the statewide student information system. Kentucky is in the last year of phasing in a new system that is scheduled to be in all districts by March 2009. The new system will provide consistent data collection at the student level across schools and districts. With the implementation of this system at the district and school level, training and technical assistance are provided in the utilization of this program.

Currently, the vendor for the statewide student information system provides an annual users conference in January with 1,500 participants from across the state. This conference has several strands depending on programs and the type of data collected and maintained. Conference presenters include technical staff from the vendor and KDE program staff who train on specific areas. The January 2009 conference had 3 sessions presented by DECS staff. There were also 4 sessions presented by KDE's special education advisory group for the student information system, along with the vendor's staff that specialize in special education data.

The special education advisory group working with the student information system meets regularly and includes local district special education staff, regional staff, KDE staff and staff from the student information system vendor. This group provides input on the special education content of the system, user interface requests, special education specific requirements required by federal and state laws, and creates data standards.

In addition to the annual conference for the student information system, there are regional trainings for both end of year and start of year data needs that include information about special education data and reporting. These are typically 2 day training opportunities at several locations across the state to ensure maximum local district participation.

Further, data received from local school districts are routinely checked for accuracy and errors by staff within the DECS. These checks include checking data for duplication, completeness, and accuracy. DECS contacts districts by email and phone calls to clarify data concerns and data discrepancies from year to year. District and school level data are cleaned utilizing computer automated processes and by data review by DECS staff to make sure anomalies are discovered and either cleaned or explained.

#### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage for FFY 2007**

**Explanation of progress:** In FFY 2006, Kentucky reported 100% compliance with Indicator 20. However, the OSEP review using the rubric format resulted in a compliance rate of 91.7%. This means that Kentucky did not meet the target for this indicator.

For FFY 2007, Kentucky is using the OSEP approved rubric and is reporting 100% compliance. This meets the target for this indicator.

Kentucky failed to meet 100% compliance for FFY 2006 based on data issues around Indicators 3A, 3C, 4A, 9, and 10 in the APR.

Indicators 3A and 3C issues were due to changes in Kentucky's assessment instrument and an inability to compare results of the new assessment system to the prior assessment. This issue has been resolved as discussed in Indicator 3.

The Indicator 4A issue has been problematic due to comparison with discipline data for students without disabilities. To resolve this issue, Kentucky decided in FFY 2006 to compare individual district rates of suspensions for children with disabilities to the statewide average. However, DECS has discovered new issues with the revised measurement. Revisions to the definition in the Measurement have been made and are set out in Indicator 4A.

Indicators 9 and 10 had data issues surrounding KDE's process for determining if a district's disproportionate race data were due to an inappropriate identification processes. This issue has also been resolved and is described in within Indicators 9 and 10 above.

**Discussion of Improvement Activities Completed:** Note- Because Indicator 20 issues from last year's APR were related to concerns with specific Indicators, the improvement activities are addressed in those Indicators as described above.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2007**

As set forth in the Introduction, the APR work group has revised SPP activities to reflect a focused, coordinated approach across indicators. The justification for revisions is based on two reasons. One is to build a system of general supervision within KDE, including a coordinated set of activities within the SPP that addresses IDEA compliance, as well as improved outcomes for students with disabilities. The second reason for revision is based on KDE's need to have activities which are measureable and based on root cause analysis of data.

**Activities for Indicator 20**

<b>Indicator 20 Improvement Activity</b>	<p>DECS will convene regular meetings of the Special Education Advisory Group for Infinite Campus (SEAGIC) to provide input, direction and guidance for special education data requirements in the student information system.</p> <p><b>Action Steps</b></p> <ol style="list-style-type: none"> <li>1. SEAGIC will meet 3 to 4 times annually</li> <li>2. SEAGIC will develop and revise special education data collection requirements including development of data standards to reflect changes in federal and state laws to improve the student information system</li> <li>3 SEAGIC will be representative of local district, state, and vendor staff</li> </ol>
<b>Evaluation</b>	<p>An internal evaluation will be conducted by KDE staff not involved in the SEAGIC process. The evaluator will look at:</p> <ul style="list-style-type: none"> <li>• Accuracy of student data captured</li> <li>• User friendly status of student information system</li> <li>• Compliance with required data timelines</li> </ul>
<b>Timeline</b>	FFY 2008 and 2009
<b>Resources</b>	DECS data manager, technology consultant
<b>Status</b>	SEAGIC is established and meeting regularly

<b>Improvement Activity</b>	<p>DECS' APR work group will review APR Indicators and data</p> <p><b>Action Steps</b> <b>DECS data manager will:</b></p> <ol style="list-style-type: none"> <li>1. Generate data for each indicator</li> <li>2. Work with DECS staff assigned to indicators to provide, explain and discuss</li> </ol>
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	<p>data needs</p> <p>3 Analyze data at the state and district levels for consistency, accuracy, and appropriate decision- making with regard to compliance</p>
<b>Evaluation</b>	<p>The DECS Division Director will periodically review work of the APR work group for:</p> <ul style="list-style-type: none"> <li>• Accuracy of APR data</li> <li>• Alignment of staff with APR duties and responsibilities</li> <li>• Successful completion of the APR</li> </ul>
<b>Timeline</b>	FFY 2008 and 2009
<b>Resources</b>	DECS data manager; DECS staff
<b>Status</b>	APR work group will begin FFY 2008 work in Spring 2009

<b>Improvement Activity</b>	<p>DECs will provide technical assistance to districts for submissions of required data to KDE and DECS</p> <p><b>Action Steps</b> <b>DECS data manager will:</b></p> <ol style="list-style-type: none"> <li>1. Review local district data submission</li> <li>2. Work with districts to identify and correct data errors</li> </ol>
<b>Evaluation</b>	Submission of Section 618 Data through EDEN and review of data by DAC
<b>Timeline</b>	FFY 2008 and 2009
<b>Resources</b>	DECS data manager, technology consultant, EDEN/ EdFacts and DAC staff
<b>Status</b>	On-going

## Appendix 1

**Kentucky Department of Education  
APR Root Cause Analysis**

- I. Identify key questions to be answered
- II. Identify data source
- III. Gather all necessary and other relevant data.
  - a. 618 Data
  - b. KCMP Data
  - c. Indicator Specific Data
  - d. Other Agency Data (external – for example, OVR, DOL, IHE)
  - e. State, Regional, and District Data
  - f. Ways to query other KDE data
- IV. Determine stakeholder groups / audiences
- V. Provide an initial report on Indicator - results and suggested patterns. (Use SPP/APR Investigative Questions as guides)
- VI. Reactions and Feedback to Data and Patterns
  - Why might you be getting the data or patterns?
  - Check investigative questions.
  - If there are 'no's' in response to an investigative question(s), is/are these root causes?
  - Do 'no's' match up with reasons you're getting the data you're getting?
  - How do we fix it, i.e., activity?
- VII. Identify root causes for the data (May need to pose additional analysis questions to clarify data).
  - What districts or regions did well?
  - Are there patterns across indicators
  - Are there data gaps from investigative questions?
  - Are there other ways to query data
  - Are there outside factors?
- VIII. Prioritize root causes.
  - What is inhibiting movement of data
  - Is it malleable?
- IX. Identify possible improvement activities - see categories recommended by OSEP:
  - provide training/professional development;
  - clarify/examine/develop policies and procedures;
  - improve systems administration and monitoring;
  - improve collaboration/coordination;
  - improve data collection;
  - provide technical assistance;
  - increase/adjust staff time;
  - develop programs; and
  - evaluate activities.
- X. Identify desired outcomes (short and long term outcomes of activities related to indicator)
- XI. Identify improvement activity evaluation activities. (See HDI handout).

**Appendix 2**  
**Indicator 8- Parent Involvement Survey**

**Kentucky Department of Education**  
**Parent Survey - Special Education**

*This is a survey for parents of students receiving special education services. Your responses will help guide efforts to improve services and results for children and families.*

*For each statement below, please select one of the following response choices: very strongly disagree, strongly disagree, disagree, agree, strongly agree, very strongly agree.*

*In responding to each statement, think about your experience and your child's experience with special education during the **2007 - 2008** school year. You may skip any item that you feel does not apply to you or your child.*

Please choose the Kentucky Public School District your child/children attend.

**Schools' Efforts to Partner with Parents**

		Very Strongly Disagree	Strongly Disagree	Disagree	Agree	Strongly Agree	Very Strongly Agree
1	I am considered an equal partner with teachers and other professionals in planning my child's program	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2	In preparation for my child's transition planning meeting I was given information about options my child will have after high school.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3	At the IEP meeting, we discussed how my child would participate in statewide assessments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4	At the IEP meeting, we discussed accommodations and modifications that my child would need.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5	All of my concerns and recommendations were	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	documented on the IEP.						
6	Written justification was given for the extent that my child would not receive services in the regular classroom.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7	I was given information about organizations that offer support for parents of students with disabilities.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8	I have been asked for my opinion about how well special education services are meeting my child's needs.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9	My child's evaluation report is written in terms I understand.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10	Written information I receive is written in an understandable way.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11	Teachers are available to speak with me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12	Teachers treat me as a team member.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Teachers and Administrators:</b>		Very Strongly Disagree	Strongly Disagree	Disagree	Agree	Strongly Agree	Very Strongly Agree
13	Teachers and Administrators seek out parent input.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14	Teachers and Administrators show sensitivity to the needs of students with disabilities and their families.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15	Teachers and Administrators encourage me to participate in the decision-making process.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

16	Teachers and Administrators respect my cultural heritage.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
17	Teachers and Administrators ensure that I have fully understood the Procedural Safeguards [the rules in federal law that protect the rights of parents].	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>The School:</b>		Very Strongly Disagree	Strongly Disagree	Disagree	Agree	Strongly Agree	Very Strongly Agree
18	The School has a person on staff who is available to answer parents' questions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
19	The School communicates regularly with me regarding my child's progress on IEP goals.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
20	The School gives me choices with regard to services that address my child's needs.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
21	The School offers parents training about special education issues.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
22	The School offers parents a variety of ways to communicate with teachers.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
23	The School gives parents the help they may need to play an active role in their child's education.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
24	The School connects parents to organizations that serve parents of children with disabilities.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
25	The School explains what options parents have if	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	they disagree with a decision of the school.							
26	Child's Grade	<input type="radio"/> Pre-School  <input type="radio"/> Kindergarten	<input type="radio"/> 1st <input type="radio"/> 2nd <input type="radio"/> 3rd	<input type="radio"/> 4th <input type="radio"/> 5th <input type="radio"/> 6th	<input type="radio"/> 7th <input type="radio"/> 8th <input type="radio"/> 9th	<input type="radio"/> 10th <input type="radio"/> 11th <input type="radio"/> 12th		
27	Child's Age in Years	<input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5	<input type="radio"/> 6 <input type="radio"/> 7 <input type="radio"/> 8 <input type="radio"/> 9	<input type="radio"/> 10 <input type="radio"/> 11 <input type="radio"/> 12 <input type="radio"/> 13	<input type="radio"/> 14 <input type="radio"/> 15 <input type="radio"/> 16 <input type="radio"/> 17	<input type="radio"/> 18 <input type="radio"/> 19 <input type="radio"/> 20 <input type="radio"/> 21		
28	Child's Age When First Referred to Early Intervention or Special Education (Age in Years)	<input type="radio"/> Under 1 year  <input type="radio"/> 1 year old	<input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5 <input type="radio"/> 6	<input type="radio"/> 7 <input type="radio"/> 8 <input type="radio"/> 9 <input type="radio"/> 10 <input type="radio"/> 11	<input type="radio"/> 12 <input type="radio"/> 13 <input type="radio"/> 14 <input type="radio"/> 15 <input type="radio"/> 16	<input type="radio"/> 17 <input type="radio"/> 18 <input type="radio"/> 19 <input type="radio"/> 20 <input type="radio"/> 21		
29	Child's Race / Ethnicity	<input type="radio"/> White	<input type="radio"/> Black or African-American	<input type="radio"/> Hispanic or Latino	<input type="radio"/> Asian or Pacific Islander	<input type="radio"/> American Indian or Alaskan Native		
30	Child's Primary Exceptionality / Disability (one only)	<div style="display: flex; justify-content: space-between;"> <div> <input type="radio"/> Autism  <input type="radio"/> Deaf Blindness  <input type="radio"/> Developmental Delay  <input type="radio"/> Emotional Behavioral Disorder (EBD)  <input type="radio"/> Functional Mental Disability (FMD)  <input type="radio"/> Hearing Impairment  <input type="radio"/> Mild Mental Disability (MMD)         </div> <div> <input type="radio"/> Multiple Disabilities  <input type="radio"/> Orthopedic Impairment  <input type="radio"/> Other Health Impairment  <input type="radio"/> Specific Learning Disability  <input type="radio"/> Speech or Language Impairment  <input type="radio"/> Traumatic Brain Injury  <input type="radio"/> Visual Impairment including Blindness         </div> </div>						

## Appendix 3

TABLE 7

**REPORT OF DISPUTE RESOLUTION UNDER PART B, OF THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT  
2007-08**

SECTION A: WRITTEN, SIGNED COMPLAINTS	
(1) Written, signed complaints total	19
(1.1) Complaints with reports issued	10
(a) Reports with findings	7
(b) Reports within timeline	3
(c) Reports within extended timelines	7
(1.2) Complaints withdrawn or dismissed	9
(1.3) Complaints pending	0
(a) Complaints pending a due process hearing	0

SECTION B: MEDIATION REQUESTS	
(2) Mediation requests total	27
(2.1) Mediations held	21
(a) Mediations held related to due process complaints	6
(i) Mediation agreements	5
(b) Mediations held not related to due process complaints	15
(i) Mediation agreements	14
(2.2) Mediations not held (including pending)	6

SECTION C: DUE PROCESS COMPLAINTS	
(3) Due process complaints total	18
(3.1) Resolution meetings	7
(a) Written Settlement agreements	3
(3.2) Hearings (fully adjudicated)	0
(a) Decisions within timeline (include expedited)	0

(b) Decisions within extended timeline	0
(3.3) Resolved without a hearing	16

SECTION D: EXPEDITED DUE PROCESS COMPLAINTS (RELATED TO DISCIPLINARY DECISION)	
(4) Expedited due process complaints total	0
(4.1) Resolution meetings	0
(a) Written settlement agreements	0
(4.2) Expedited hearings (fully adjudicated)	0
(a) Change of placement ordered	0